DOCUMENT RESUME

ED 199 390 CE 027 759

AUTHOR Minugh, Carol J.
TITLE Analysis of Key Federal Legislation Affecting Vocational Education for Indians.
INSTITUTION Ohio State Univ., Columbus. National Center for Research in Vocational Education.
SPONS AGENCY Office of Vocational and Adult Education (ED), Washington, D.C.
BUREAU NO 498MH00014
PUB DATE 81
CONTRACT 300-78-0032
NOTE 104p.

EDRS PRICE MF01/PC05 Plus Postage.
DESCRIPTORS *American Indian Education; American Indians; *Educational Legislation; Educational Opportunities; *Federal Indian Relationship; *Federal Legislation; *Federal Programs; Financial Support; Policy Formation; Public Policy; *Vocational Education

ABSTRACT

This analysis of legislation related to vocational education for Indian people was designed to assist vocational education planners at the local or tribal level. The analysis is divided into three chapters. Chapter 1 serves as an introduction and gives a brief background to vocational education as it relates to Indians. Chapter 2 presents an examination of twelve pieces of legislation and the programs or titles administered under the legislation that provide vocational education opportunities for Indians. Chapter 3 provides an analysis of the legislation's strengths and weaknesses as well as recommendations for future legislation and administrative policy. The appendixes provide information related to the amounts appropriated for each program and several administrative requirements which apply to most federal assistance programs (KC)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED199390

Analysis of Key Federal Legislation Affecting Vocational Education for Indians

Prepared by
Carol J. Minugh

The National Center for Research in Vocational Education
The Ohio State University
1960 Kenny Road
Columbus, Ohio 43210

1981

U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

CE027759

FUNDING INFORMATION

Project Title	Native American
Contract Number:	300780032
Project Number:	498MH00014
Educational Act Under Which the Funds were Administered:	Vocational Education Amendments of 1976 P.L. 94-482
Source of Contract:	United States Department of Education Office of Vocational and Adult Education Washington, D.C.
Contractor:	The National Center for Research in Vocational Education The Ohio State University Columbus, Ohio 43210
Executive Director:	Robert E. Taylor
Disclaimer:	This publication was prepared pursuant to a contract with the U.S. Department of Education, Office of Vocational and Adult Education. Contractors undertaking such projects under government sponsorship are encouraged to freely express their judgment in professional and technical matters. Points of view or opinions do not, therefore, necessarily represent official U.S. Department of Education position or policy.
Discrimination Prohibited:	Title VI of the Civil Rights Act of 1964 states: "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance," Title IX of the Education Amendments of 1972, Public Law 92-318, states: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance." The National Center for Research in Vocational Education Project, like every program or activity receiving financial assistance from the U.S. Department of Education, must comply with these laws.

The National Center Mission Statement

The National Center for Research in Vocational Education's mission is to increase the ability of diverse agencies, institutions, and organizations to solve educational problems relating to individual career planning, preparation, and progression. The National Center fulfills its mission by:

- Generating knowledge through research
- Developing educational programs and products
- Evaluating individual program needs and outcomes
- Providing information for national planning and policy
- Installing educational programs and products
- Operating information systems and services
- Conducting leadership development and training programs

TABLE OF CONTENTS

	Page
FORWORD	v
EXECUTIVE SUMMARY	vii
CHAPTER I INTRODUCTION	1
CHAPTER II KEY FEDERAL LEGISLATION AFFECTING VOCATIONAL EDUCATION OPPORTUNITIES FOR AMERICAN INDIANS AND ALASKAN NATIVES	5
Snyder Act of 1921	6
Indian Adult Vocational Education Act	12
Indian Self-Determination Education Assistance Act	15
Indian Education Act	19
Education of All Handicapped Children Act	23
Indian Health Care Improvement Act	27
Tribally Controlled Community College Assistance Act of 1978	30
Vocational Rehabilitation Act	33
Vocational Education Act of 1976	39
Comprehensive Employment and Training Act Amendments	44
Career Education Incentive Act	59
Economic Opportunity Act	61
CHAPTER III ANALYSIS OF REVIEWED LEGISLATION	65
Analysis	65
Issues	69
Appropriations	71
Summary of Appropriations	74
Conclusions	74
Recommendations	75
APPENDICES	79
Targeted Population/Issues	81
Advisory Committees	85
Grants	89
Influencing Legislation	93

FOREWORD

An essential ingredient to planning vocational education programs is a thorough understanding of the key legislation that contains provisions related to such programs. This analysis provides background information as well as information about current programs with the legislation and needs for future legislation.

In preparing this analysis, project staff had extensive conversations with federal offices that administer the cited legislation. Numerous contacts were also made with those people who are implementing the provisions in the field.

The project consultant committee played a central role in bringing about a better understanding of the respective legislative provisions. Since the committee members come from diverse segments of the Indian community, they brought different perspectives to the project and related analysis efforts. Special thanks are due each of the committee members: Ms. Lee Piper, United Indians of All Tribes Foundation; Ms. Viola Peterson, National Advisory Council of Indian Education; Mr. Ashi Bennally, American Indian Task Force on Vocational Education; Mr. John Emhoolah, American Indian Higher Education Consortium; Ms. Betty Gress, Coalition for Indian Controlled School Boards; and Mr. David Gipp, National Indian Education Association.

Special thanks also go to Mr. Robert Delaware of the Adult Vocational Training program, U.S. Bureau of Indian Affairs, for his inputs and patience in helping the project staff gain a better understanding of the programs administered by the Bureau.

Robert E. Taylor
Executive Director
The National Center for Research
in Vocational Education

EXECUTIVE SUMMARY

The analysis of legislation related to vocational education for Indian people was designed to assist vocational education planners at the local or tribal level. The analysis is divided into three chapters. Chapter 1 serves as an introduction and gives a brief background to vocational education as it relates to Indians. Chapter 2 presents an examination of twelve pieces of legislation and the programs or titles administered under the legislation that provide vocational education opportunities for Indians. Chapter 3 provides an analysis of the legislations' strengths and weaknesses as well as recommendations for future legislation and administrative policy. The appendices provide information related to the amounts appropriated for each program and several administrative requirements which apply to most federal assistance programs.

CHAPTER I

INTRODUCTION

Recent developments in vocational education, tribal leadership, and federal legislation have made it possible to mesh effectively the needs and opportunities for vocational education in tribal communities. The purpose of this document is to review selected pieces of federal legislation that provide vocational education opportunities for American Indians and Alaskan Natives in order to assist officials--on the federal, state, local, or tribal level--in providing more effective vocational education to Indian people.

Vocational education has been described as "that part of the total program of education that deals with preparation, including vocational guidance and counseling, exploration, and training, for careers in the world of work below the professional level."[1] Vocational education is not limited to training in job related skills:

> it also develops abilities, understanding, attitudes, work habits, and appreciations which contribute to a satisfying and productive life. It does not take the place of general academic training; rather it provides that balance of education which contributes to developing economic, social, physical, and intellectual workers in America's highly technological society.[2]

As the term is used in this project, "vocational education" encompasses on-the-job training, apprenticeship training, paraprofessional training, and programs of career guidance counseling.

---

[1] E.P. Hilton, and Steven J. Gyuro. A Systems Approach, 1970 Vocational Education Handbook for State Plan Development and Preparation, (Lexington: Kentucky Research Coordination Unit for Vocational Education, University of Kentucky, 1970), p.7.

[2] Ibid.

Background

A chronological survey of the federal government's involvement in the vocational education of the Indian population would begin with the government's early support of Christian mission schools and with the treaties that included provisions for agricultural education. Unfortunately, the purpose of these measures was limited to "civilizing the savage" or "converting the pagan," and little thought was given to developing skills that would improve the economic and social welfare of Indians within their own society. In one program that typified this early outlook, the federal government removed Indian children from their homes, established boarding schools for them, and offered them training that prepared them for menial employment. Clearly, such training failed to provide skills that the children would need when they returned home.

In the 1950s, efforts were made to terminate the federal government's treaty relationship with Indians. These efforts included the Direct Employment Assistance Program (see The Snyder Act in chapter 2) and the Adult Vocational Education Act, which referred to as "The Relocation Act." This legislation relocated Indian families into most of the major industrial cities throughout the United States. The majority of the families never found social or economic security and many of them became a part of the "skid row" population of the cities. Those who made their way back home could find no market for the few skills they had obtained. Thus, this approach to assimilating Indian people into the mainstream of American society met with little success; the experience too often engendered in the Indians feelings of failure, frustration toward themselves, and contempt for the job-training programs. In the 1960s, when the federal government began providing additional vocational education opportunities, the lingering hardships of the earlier relocation effort were grim reminders of what "vocational education" had done for Indians. Therefore, few took advantage of the additional opportunities, although the Adult Vocational Training and the Direct Employment Assistance Program were still available.

In 1972 the Indian Education Act was passed, and the emphasis changed from education by and for the dominant society to education by and for Indians. This change opened many jobs to Indian people. Legislation since 1834 had included provisions for the preferential hiring of Indian people for the Indian service, yet only in the last decade have steps been taken to ensure that Indians have a real opportunity for such employment. The Indian Self-Determination Act of 1975 emphasized, for the first time, the need for a trained labor force consisting of Indians on the reservations.

The need to preserve and utilize the natural resources on reservations has emphasized the need for a skilled labor force of tribal members. Other projects that have received assistance from the Economic Opportunity Act and the Economic Development Act have accented the critical need for skilled workers from tribal communities. As these needs have emerged, the opportunities for vocational education have received increasing and more favorable publicity in Indian communities. The four factors contributing to this new visibility are as follows:

> The nationwide emergence of vocational education as a potential remedy for unemployment and poor self-image among minorities, especially Indians living on reservations and in other communities
>
> The increasing emphasis within tribal communities upon self-determination and economic development, including development of human resources
>
> The emergence of Indian people who are taking leadership positions in the legal concerns of their tribes
>
> The implementation of vocational education programs on Indian reservations and in other identifiable Indian communities as a result of recent legislation and mandates

The position of tribal governments as described by Hayes in a study of the Colville Tribe provides an important insight in the development of an Indian Labor force:

> The tribal leadership is to develop the tribe's resources and create sufficient employment prospects for those who choose to remain on the reservation.[3]

Clearly, vocational education constitutes a promising means for forming the labor force needed for this development of tribal resources. It is within this historical context that the following analysis of current legislation was developed.

---

[3]Hayes, Susanna Adella. "The Resistance to Education for Assimilation by the Colville Indians 1872-1972", Spokane School District #81, Spokane Washington, 1977, p. 189.

Overview of the Legislative Analysis

The survey and analysis of key legislation affecting vocational education for American Indians are contained in chapters 2 and 3 respectively. Chapter 2 surveys, for twelve laws, the background, the stated purpose and proposed results, the scope of services mandated, the programs provided, the programs' administration, and the federal contact persons and their addresses. The extent of the description for each act varies according to the specificity of the legislation itself; the contact persons can provide additional details about their programs. Appendix 4 provides suggestions for individuals, institutions, or organizations interested in influencing legislation. Chapter 3 analyzes the legislation in the twelve acts. The chapter concludes with recommendations for the future of vocational education for Indian people.

Using the Analysis

Understanding the administrative requirements is essential if one is to gain full advantage of the services offered through the legislation. Many of the acts, for example, require the establishing of advisory committees and the developing of state or local plans. Most of the laws specify procedures for supporting and submitting applications for grants, for documenting equity in the service of special populations, and for obtaining approval of survey instruments used in gathering data regarding the people to be served. Appendix 1 supplements the survey by providing a chart that lists the legislation by public law and identifies the targeted population served. Appendices 2 and 3 provide general information on these standard requirements and processes. Appendix 2 reviews the rationale for, levels of, and functions of the advisory committees that are mandated in the legislation. Appendix 3 reviews the processes for submitting an application for a grant, for planning a proposal, and for reporting on the progress of a funded program. The material contained in Appendix 4 can assist individuals in evaluating their present legislative activities and plan for influencing legislation. Included are, a personal inventory of activities that could influence legislation, a listing of capabilities that contribute to successfully influencing legislation and a plan for developing a national Indian legislative network.

CHAPTER II

KEY FEDERAL LEGISLATION AFFECTING VOCATIONAL EDUCATION OPPORTUNITIES FOR AMERICAN INDIANS AND ALASKAN NATIVES

Presented in this chapter is a review of twelve public laws affecting vocational education for Indians. The title of each act, the public law number, the date the act was passed and the date the present appropriations will expire are presented at the beginning of the review of each piece of legislation. To assist the reader in understanding the provisions of the legislation, each act is examined as to the (1) background of the act, (2) purpose, (3) hoped for results, (4) who is served, (5) what training, programs, and services are offered, and (6) who administers the program and what the administrative requirements at the federal and local levels are.

The specific laws reviewed in this chapter are as follows:

Public Law No.	Title
67-85	Snyder Act 1921
84-959	Indian Adult Education Act 1956
88-452	Economic Opportunity Act 1964
92-318	Indian Education Act 1972
93-638	Indian Self-Determination and Education Assistance Act 1975
94-142	Education of All Handicapped Children Act 1975
94-482	Vocational Education Act 1976
94-437	Indian Health Care Improvement Act 1976
95-207	Career Education Incentive Act 1977
95-471	Tribally Controlled Community College Assistance Act of 1978
95-524	Comprehensive Employment and Training Act 1978
93-112 95-602	Vocational Rehabilitation Acts of 1973 and 1978

Snyder Act of 1921
Public Law 67-85
Passed: November 2, 1921
Authorization Expires: N/A

Background

The Snyder Act was passed on November 2, 1921. The portion of the Act that directly affects vocational education follows:

> Chapter 115 - An Act authorizing appropriations and expenditures for the administration of Indian affairs, and for other purposes.
>
> Be it enacted by the Senate and House of Representatives of the United States or America in Congress assembled, that the Bureau of Indian Affairs, under the supervision of the Secretary of the Interior, shall direct, supervise, and expend such moneys as Congress may from time to time appropriate, for the benefit, care, and assistance of the Indians throughout the United States for the following purposes:
>
> - General support and civilization, including education.
> - For relief of distress and conservation of health . . .

Purpose of Legislation

The general nature of this Act was to give the Bureau of Indian Affairs (BIA) specific responsibilities and appropriations for the welfare of Indians as well as the administration of Indian affairs.

Proposed Results

The Bureau of Indian Affairs would have authority to administer such funds as Congress appropriates and the Office of Management and Budget permits.

Eligibility

To be eligible for services that are authorized under the Snyder Act, one must be an American Indian living in the United States.

Programs/Training/Services

The vocational training programs that are provided by the Bureau of Indian Affairs, under The Snyder Act, are included in or specifically provided for by the following programs:

1. Federal schools for Indians
2. Direct employment assistance
3. Indian Action Team
4. Federal postsecondary schools and institutes

In the materials that follow, each of these programs is dealt with separately. Many of these programs can be contracted under the Indian Self-Determination and Education Assistance Act, which is described immediately after the four designated programs.

Administration

The Snyder Act is administered by the Bureau of Indian Affairs, the United States Department of Interior. The Secretary of Interior has authority to make administrative decisions concerning the administrative and financial requirements. The Secretary may delegate his/her powers to the Commissioner when appropriate.

Contact Person(s)

Dr. Jack Ridley (202) 343-5491
Bureau of Indian Affairs
Office of Tribal Resource Development
18th and C Streets
Washington, DC 20240

Earl Barlow, Director (202) 343-2175
Office of Indian Education Programs
Code 500
Bureau of Indian Affairs
United States Department of Interior
1951 Constitution Avenue, N.W.
Washington, DC 20245

Snyder Act of 1921
Program: Elementary and Secondary Level

Eligibility

A student must have one-fourth degree or more Indian blood and be a member of a federally recognized* tribe of Indians.

Programs/Training/Services

The career exploration and job skills training offered varies with each school. Currently, there is little emphasis on vocational education at the secondary level. However, this varies depending on the schools. Each school should be contacted individually to determine vocational opportunities available.

Administration

These schools are administered by the Bureau of Indian Affairs with the assistance of an Indian advisory council or board of education. Some are contracted under the Self-Determination and Education Assistance Act.

Snyder Act of 1921
Program: Direct Employment Assistance

Eligibility

An American Indian must have one-quarter degree or more of Indian blood, be a member of a recognized tribe, band, or group of Indians served by the Bureau of Indian Affairs, and have a marketable skill (already trained).[4]

*Federally recognized tribe refers to any Indian tribe, band, Nation Rancheria, Pueblo, Colony, or Community including any Alaskan Native Village or regional or village corporation which is eligible for special programs and services through the United States Government, Secretary of the Interior, as provided by the Secretary to Indians, because of their status as Indians.

[4]Bureau of Indian Affairs, U.S. Department of Interior, Career Development Opportunities for Native Americans, available through the Bureau of Indian Affairs, pg. 7.

Programs/Training/Services

The Direct Employment Assistance Program offers the following services:

a. Assistance in locating a job

b. Maintenance and subsistence until the first check is received or sufficient wages are obtained for paying living expenses

c. Transportation and relocation expenses

d. Health services

e. Assistance in purchasing necessary tools of trade for obtaining a job

f. Additional training may be provided, if necessary, for obtaining a job

Administration

The administration of this program is through the Bureau of Indian Affairs. Area offices and local agency offices have the administrative responsibilities for this program.

Snyder Act of 1921
Program: Indian Action Teams

Eligibility

To be eligible for this program, an American Indian must:

(a) Be between 18 and 35 years of age.

(b) Be a member of a recognized tribe, band, or group of Indians served by the Bureau of Indian Affairs.

(c) Reside on a reservation or restricted land.

(d) Need such training to obtain reasonable and satisfactory employment.[5]

[5] Ibid

Programs/Training/Services

Training must occur on a construction site which is on or near a reservation area.

Training facilities and services required for the training may be contracted for through contracts or agreements with such agencies, establishments, or organizations as private schools, federal, state, or local governmental agencies, corporations, and associations.[6]

Administration

The Indian Technical Assistance Center (ITAC) located in Lakewood, Colorado is the Bureau of Indian Affairs agency which administers the Indian Action Team programs.

Snyder Act of 1921
Program: Federal Postsecondary Schools and Institutes

Eligibility

To be eligible to attend Federal postsecondary schools and institutes for vocational training, an American Indian must have one-quarter degree of Indian blood, and be a member of a recognized tribe, band or group of Indians served by the Bureau of Indian Affairs.

Programs/Training/Services

The Bureau has formed a consortium consisting of schools that provide postsecondary education programs in the areas of general education, cultural arts, and occupational training. The participating schools are Haskell Indian Junior College, Lawrence, Kansas; Institute of American Indian Arts, Santa Fe, New Mexico; and the Southwestern Indian Polytechnical Institute, Albuquerque, New Mexico.

---

[6] John J. Parker, acting Director, Indian Technical Assistance Center, Letter Dated June 13, 1980.

The consortium provides opportunities for:

(a) Instruction and training in art-related occupations,

(b) Broad occupational preparation programs,

(c) Diploma and certificate programs, and

(d) A college transfer program at Haskell.[7]

Administration

Application forms may be obtained from the Bureau of Indian Affairs, area and agency offices. Each school provides its own Administration.

Source: The information in this section is paraphrased (or quoted) from Public Law 67-85, The Snyder Act of 1921, United States Code Annotated Title 25, Sec. 13.

[7] Bureau of Indian Affairs, pg. 11.

Indian Adult Vocational Education Act
Public Law 84-959
Passed: August 3, 1956
Authorization Expires: Annual Budget

Background

The Indian Adult Vocational Education Act, Public Law 84-959 was passed during the Eisenhower presidency of the 1950s. This was a time when the U.S. government terminated treaty agreements with selected Indian tribes. In addition, the emphasis was on assimilation of the Indian population into the mainstream of society through relocation programs. In August of 1956, Public Law 84-959 was passed to provide job training opportunities and assure employment for those Indians wishing to be employed.

Purpose of Legislation

The original intent of the legislation was to assist adult Indians who lived on or near Indian reservations in obtaining reasonable and satisfactory employment.

Proposed Results

Job placement for adult Indians.

Eligibility

To be eligible for this program, an American Indian must:

(a) Be between 18 and 35 years of age.

(b) Be a member of a recognized tribe, band, or group of Indians served by the Bureau of Indian Affairs.

(c) Reside on a reservation or restricted land.
(Those who reside near a reservation may apply if the training will have a direct effect upon Bureau programs on the reservation.)

(d) Need such training to obtain reasonable and satisfactory employment.[8]

[8]Bureau of Indian Affairs, pg. 7.

Programs/Training/Services

The Indian Adult Vocational Education Act as amended by Public Law 90-252 (1968) provides for training in a formal classroom structure (theory and laboratory sessions), apprenticeship training, and on-the-job training. Maximum length of a training program is twenty-four months.

The Act provides for financial support services, student tuition, and related costs. In addition, the program provides for limited medical expenses, glasses, General Education Diploma (GED) testing, transportation allowance, and child care expense. In preparation for employment, the program will provide required tools, clothes, assistance, living facilities (including necessary furniture--stove, refrigerator). Upon completion of the program, participants may be referred to the Direct Employment Program.

The participants may choose the specific institution or training program in which they wish to take training. They will be supplied with a list of eligible institutions by the Bureau of Indian Affairs, or participants may identify a specific institution, provided it meets the following criteria for institutions and training:

Programs:

1. Must be accredited by a nationally or regionally recognized accrediting association;

2. Must be approved for training by a state agency authorized to make such approval; and

3. Must provide reasonable certainty of employment for graduates of the institution in particular fields of training.

In addition, apprenticeship training may be approved by the Bureau of Indian Affairs when such training:*

1. Is offered by a corporation or association which has satisfactory record of such training for at least one year prior to participation in the program;

*There is currently an administrative attempt to fulfill the intent of Public Law 93-638, the Indian Self-Determination Act, by waiving the requirements set forth above when considering tribal vocational programs.

2. Provides for supervision through a State Apprenticeship Agency, a State Apprenticeship Council, or the Federal Apprenticeship Training Service;

3. Leads to employment in an occupation which requires the use of skills that are normally acquired through on-the-job training (OJT) and based on skills developed in OJT and not on longevity, normal turnover, or personality; and

4. Is identified by the institution, specifically as apprenticeship training.

Administration

The administrative responsibilities for the Indian Adult Vocational Act fall within the Department of Interior, Bureau of Indian Affairs. The Office of Tribal Resource Development supervises the program at the national level. Requests for assistance through the program are handled by BIA officials at the area and local agency levels, and can be contracted for (Public Law 93-638) by tribes at the local level. Students determine where they will procure the training.

Contact Person(s)

Robert Delaware, Acting Chief (703) 235-8355
Division of Job Placement and Training
Bureau of Indian Affairs
1951 Constitution Avenue, N.W.
Washington, DC 20245

Source: The information in this section is paraphrased (and quoted) from Public Law 84-959, the Indian Adult Vocational Education Act of 1956, United States Congressional and Administrative News, Vol. 1, 1956, pp. 1167-1168.

Indian Self-Determination and
Education Assistance Act
Public Law 93-638
Passed: January 4, 1975
Authorization Expires: N/A

Background

Section 2(a) of Public Law 93-638 states the Congressional findings relative to the need for an Act of this type for American Indian people:

The Congress. . .finds that--

(1) the prolonged federal domination of Indian service programs has served to retard rather than enhance the progress of Indian people and their communities by depriving Indians of the full opportunity to develop leadership skills crucial to the realization of self-government, and has denied to the Indian people an effective voice in the planning and implementation of programs for the benefit of Indians which are responsive to the true needs of Indian communities; and

(2) the Indian people will never surrender their desire to control their relationships both among themselves and with nonIndian governments, organizations, and persons.

The Congress further finds that--

(1) true self-determination in any society of people is dependent upon an educational process which will insure the development of qualified people to fulfill meaningful leadership roles;

(2) the federal responsibility for and assistance to education of Indian children has not effected the desired level of educational achievement or created the diverse opportunities and personal satisfaction which education can and should provide; and

(3) parental and community control of the educational process is of crucial importance to the Indian people.

Purpose of Legislation

The overall purpose of the Act as amended is stated in the preamble of the Act itself:

> An Act to provide maximum Indian participation in the government and education of the Indian people; to provide for the full participation of Indian tribes in programs and services conducted by the Federal Government of Indians and to encourage the development of human resources of the Indian people; to establish a program of assistance to upgrade Indian education; to support the right of Indian citizens to control their own educational activities; and for other purposes.

Eligibility

This Act provides for contracting many diverse services to local tribal groups (federally recognized Indian tribes and Indian organizations). Tribal organizations must have secured a resolution from the tribe supporting the contract agreement before the federal agencies (Bureau of Indian Affairs and Indian Health Service) can contract with the organization.

Programs/Training/Services

The important element of this Act which can affect vocational education is Section 104. It states:

> The provision of any other Act notwithstanding, any funds made available to a tribal organization under grants pursuant . . . to this section may be used as matching shares for any other Federal grant programs which contribute to the purposes for which grants under this section are made.

The purposes of this section are:

> (a)(1) the strengthening or improvement of tribal government (including, but not limited to, the development, improvement, and administration of planning, financial management, or merit personnel systems; the improvement of tribally funded programs or activities; or the development, construction, improvement, maintenance, preservation, or operation of tribal facilities or resources;

(2) the planning, training, evaluation of other activities designed to improve the capacity of a tribal organization to enter into a contract or contracts pursuant to Section 102 of this Act (to carry out programs of the Department of the Interior) and the additional costs associated with the initial years of operation under such a contract or contracts;

(b) The Secretary of Health, and Human Resources may in accordance with regulations adopted pursuant to Section 107 of this Act, make grants to any Indian tribe or tribal organization for.....

(1) the development, construction, operation, provision, of maintenance of adequate health facilities or services, including the training of personnel for such work, from funds appropriated to the Indian Health Service for Indian health services or Indian health facilities; or

(2) planning, training, evaluation or other activities designed to improve the capacity of a tribal organization to enter into a contract or contracts pursuant to Section 103 of this Act (to carry out programs of the Indian Health Service).

Administration

The Secretary of the Interior and the Secretary of Health and Human Services are responsible for the administration of the Act.*

*Contracting for services under this Act is very complex and has little to do with actually providing training and re-training opportunities. The reader is advised to contact either the Bureau of Indian Affairs or the Indian Health Service for their latest rules and regulations.

Contact Person(s)

Leah Exendine, Chief (301) 443-2694
Indian Resource Liaison
Indian Health Service Administration
United States Public Health Service HHS
Parklawn Building, 56 Fishers Lane
Rockville, Maryland 20857

Jay Suagie, Director (202) 343-4796
638 Administration
Bureau of Indian Affairs
1951 Constitution Avenue, Code 480
Washington, DC 20240

Source: The information in this section is parapharsed and quoted from Public Law 93-638, the Indian Self-Determination and Education Assistance Act, United States Code Congressional and Administrative News, Vol. 2, 1974, pp. 2557-2574.

Indian Education Act
Public Law 92-318
Passed: June 23, 1972
Authorization Expires: 1982

Background

Concern that the special education needs of the Indian population were not being met led to the passage of this Act. The Kennedy Report of 1969[9] on the status of Indian education was of particular importance in its design and passage. This Act was the forerunner of other legislation which provided support for education programs addressing the special educational needs of Indians. The act addresses educational needs related to the fact that the students were Indians.

Purpose of Legislation

The overall purpose of the Act is to provide educational programs, projects, and services which will meet the special educational needs and improve the educational opportunities of Indian children and adults.

Proposed Results

The results of the legislation were intended to:

1. promote an awareness of the special educational needs of Indians;
2. strengthen and encourage parental interest in the educational process;
3. assist and encourage Indian communities in the administration of Indian projects, programs, and schools;
4. effect positive attitudinal changes between school systems and Indian communities;

[9] Special Subcommittee on Indian Education, The Kennedy Report on "Indian Education: A National Tradegy - A National Challenge," 91st Congress, U.S. Government Printing Office, 1969.

5. improve the academic performance and decrease the dropout rate of Indians;

6. assist public schools which have large Indian populations in meeting the educational needs of Indians;

7. reflect the national concern for the educational needs of Indians by establishing an Indian Office of Education;

8. provide training and preparation of teachers of Indian children; and

9. develop the overall capacity of Indian communities to improve the education of their people through the concept of self-determination.

Eligibility

The Indian Education Act was designed to meet the needs of all American Indian Alaskan Native people who are citizens of the United States. For the purpose of this Act, "Indian" means any individual who is:

(1) a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized by the State in which they reside;

(2) A descendent, in the first or second degree, of an individual described in paragraph (1) of this definition;

(3) Considered by the Secretary of the Interior to be an Indian for any purpose; or

(4) An Eskimo or Aleut or other Alaska Native.

The Office of Indian Education requires documentation of all American Indian and Alaskan Native students and requires a 506* form for each student's eligibility.

Programs/Training/Services

Provisions for vocational education contained in this Act exclude vocational education such as welding and auto mechanics. This, however, does not negate the Act's ability to assist in programs that would prepare people for jobs at less than the baccalaureate level.

Part A provides for preschool, elementary, and secondary educational programs. Vocational education is included, in that Indian controlled schools are authorized to use the funds for "Stimulating interest in careers directly related to manpower needs of the Indian Community."

Part B has the same provision for developing an awareness and interest in careers which are available within the Indian community. This could mean counseling and guidance, or it could mean infusing career awareness throughout the total curriculum of the school. Part B also provides for Indian persons pursuing careers in Indian education. This has implications for those studying at the paraprofessional level, whether it be a teacher aide or drug and alcohol abuse counselor.

Part C is related to adult education for Indians. It provides for basic education and prevocational education such as methods for improving basic skills of Indian adults so they may benefit from occupational training.

While this Act does not specifically supply funding for traditional (welding, auto body, and so forth) vocations, one should not overlook the possibilities for other types of job training contained therein.

Administration

The Act is administered through the Department of Education in the Division of Program Operations.

---

*The 506 form was developed by the Office of Indian Education for the purpose of identifying Indians. The requirements for eligibility under this Act are not the same as for other legislation. Subsequently a special form was developed for this purpose.

Contact Person(s)

Deputy Assistant Secretary (202) 245-8020
for Indian Education
Office of Indian Education
United States Department of Education
Room 2177
400 Maryland Avenue, S.W.
Washington, DC 20202

Advisory Committee. The Act establishes the National Advisory Council on the Indian Education. The Council consists of fifteen members who are Indian and Alaskan Natives.

Plans. Proposals are to be submitted to the Office of Indian Education.

Reporting and Evaluation. Each program must make provisions for fiscal procedures. A report must be made annually to Congress by March 31.

Rules and Regulations. Rules and regulations are issued for each program under this Act.

Grant Application. Grants are made to local education agencies, institutions of higher education, and Indian organizations that must apply to the Commissioner for them.

Source: The information in this section is paraphrased and quoted from Public Law 92-318, the Indian Education Act, Title III, United States Code of Congressional and Administrative News, Vol. 1, pp. 398-410.

Education of All Handicapped Children Act
Public Law 94-142
Passed: November 29, 1975
Authorization Expires: 1982

Background

There have been several pieces of legislation that have addressed education for the handicapped. Public Law 94-142, is a recent and comprehensive act which has been amended and extended since its passage by Public Law 94-49.

Purpose of Legislation

The purpose of the Act is stated in Section 601(c):

> It is the purpose of this Act to assure that all handicapped children have available to them, within the time periods specified in Section 612(2)(B), a free appropriate public education which emphasizes special education and related services designed to meet their unique needs, to assure that the rights of handicapped children and their parents or guardians are protected, to assist states and localities to provide for the education of all handicapped children, and to assess and assure the effectiveness of efforts to educate handicapped children.

Proposed Results

This legislation should result in more handicapped children receiving an appropriate education and thus having fuller, more satisfying and meaningful lives.

Eligibility

Section 602 of Public Law 94-142 defines the target population as:

> (1) The term "handicapped children" means mentally, retarded, hard of hearing, deaf, speech impaired, visually handicapped,

seriously emotionally disturbed, orthopedically impaired, or other health impaired children or children with specific learning disabilities who by reason thereof require special education and related services. . . .

(16) The term "children with specific learning disabilities" means those children who have a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. . .Such term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, or mental retardation, or emotional disturbance, or of environmental cultural, or economic disadvantage.

In making the entitlement grants to states, the handicapped population eligible to receive funds includes those between the ages of three to twenty-one years. For formula funding purposes, ages five to seventeen are considered.

The set-aside for Indian children is limited to those children who are served by institutions supported by the Bureau of Indian Affairs.

Programs/Training/Services

The Act provides for a long list of related services. They include transportation, psychological services, health services, counseling, therapy, evaluation, and many other services which assist the handicapped child to function in general public institutions and society.

Section 625 provides contracts or grants for the development and operation of specially designed or modified vocational, technical, postsecondary, or adult education programs for the blind or other handicapped persons.

Part E, which provides for research, can provide for research related to vocational training.

Part F, which provides for the development of instructional media for the handicapped, does not specify that the media is not to be vocational or career oriented. Therefore, it is assumed that funding these areas would be available under the Act.

Administration

The Act is administered through the U.S. Office of Education. The portion of the Act that deals with Indian children is administered by the Bureau of Indian Affairs in the same way a state administers these federal funds, by developing a "state plan" for the use of the monies.

Contact Person(s)

Dr. Edwin H. Martin (202) 245-9661
Deputy Commissioner
Education for the Handicapped Bureau
7th and D Streets, S.W.
Washington, DC 20202

Charles Cordova (202) 343-4071
Special Education
Office of Indian Education Programs
Bureau of Indian Affairs
United States Department of Interior
1951 Constitution Avenue, N.W.
Washington, DC 20245

Advisory Committee. Advisory boards are established at all levels--national, state, and local. The Bureau of Indian Affairs (BIA) also has an advisory board.

Plans. Each state and the Bureau of Indian Affairs are required to develop plans for the use of federal funds. Local education agencies and Bureau schools are also required to develop plans.

Reporting and Monitoring. Each plan operator (state, BIA) must keep records and evaluate the programs annually. Individualized education plans must also be evaluated annually.

Grant Application. States apply for funds through the use of an approved state plan. The Bureau of Indian Affairs also receives funds as a result of submitting a plan. Discretionary monies are available at the federal and state levels which must be applied for through proposals.

Source: The information in this section is paraphrased or quoted from Public Law 94-142, The Education of All Handicapped Children Act, United States Code of Congressional and Administrative News, Vol. 1.

Indian Health Care Improvement Act
Public Law 94-437
Passed: 1976
Authorization Expires: 1984

Background

In 1976, Congress reported that the unmet health needs of American Indians are severe despite existing federal health services. For example, compared to all Americans in 1971, the tuberculosis death rate for American Indians was over four and one-half times greater, the influenza and pneumonia death rate over one and one-half times greater, and the infant death rate about twenty percent greater.

Purposes of Legislation

Purposes of the Act are stated as objectives. Each title lists its individual purpose.

Title I. To assure an adequate health manpower base to provide proper health services, increase the number of trained Indian professionals, and permit Indian communities to have a maximum voice in shaping those services.

Title II. To eliminate the enormous backlog of unmet health needs, essential needs, and essential patient care.

Title III. To construct new hospitals and other health care facilities and to renovate existing facilities. To do away with unsafe water supplies and unsanitary waste disposal systems.

Title IV. To enable the exercise of citizenship rights to a broader range of national health resources.

Title V. To assist urban Indians to gain access to community health resources and provide primary health care services where those resources are inadequate or inaccessible.

Title VI. To establish, fund, and operate an American Indian school of medicine to ensure a pool of trained Indian physicians and other health professionals.

Proposed Results

The Act intends to establish a continuous program capable of meeting the total health needs of the American Indians and Native Alaska people.

Eligibility

The health care aspects of this Act are designed to serve Indians irrespective of whether they live on or near a reservation or in an urban setting. However, Section 104, which provides scholarship grants for health professionals, is applicable to the general population, with Indians receiving priority treatment.

Programs/Training/Services

Title I of the Act is the primary part that addresses vocational education concerns. Section 103 seeks to identify and encourage those Indians who have demonstrated a potential for education or training in the health professions. These Indians must have successfully completed their high school education or high school equivalency. Scholarships are available for a maximum of two years for "compensatory preprofessional health education." Up to 1,700 Indian students may be served.

Paraprofessional provisions must be implied from Section 104, which provides scholarship grants to any qualified individual but gives priority to Indians. It also provides for the training of licensed practical nurses, laboratory technicians, dental technicians, and other health care paraprofessionals.

Individual scholarships are used to train personnel where needs are determined to exist. Such determination is made annually by the branch chief of Indian Health Service.

Title V, concerning health services for urban Indians, has some vocational education implications. Section 503 provides for the establishment and implementation of manpower training programs so that personnel will be available to assist urban Indians in utilizing health resources. These people are also to provide basic health education to urban Indians.

Administration

Generally, the secretary of Health and Human Services, through Indian Health Care Service, is responsible for rules and regulations. All rules and regulations may be formulated

or changed only after consultation with national and regional Indian organizations. A detailed evaluation of programs undertaken under each title must be submitted annually to the secretary. This evaluation must include an accounting of all funds utilized. The secretary is required to report annually to the president and Congress regarding progress made in effecting the purposes of the Act.

Contact Person(s)

Pierre Colonbill or
Peggy Haden
Indian Health Service, 6A23
5600 Fisher's Lane
Rockville, MD 20852

Source: The information in this section is paraphrased and quoted for Public Law 94-437, the Indian Health Care Improvement Act, United States Congressional and Administrative News, Vol. 1, 1976.

Tribally Controlled Community College
Assistance Act of 1978
Public Law 95-471
Passed: October 17, 1978
Authorization Expires: 1982

Background

The Senate unanimously passed this Act on October 17, 1978. It was determined that tribally controlled community colleges were needed for several reasons. Too often traditional higher education is unavailable or inappropriate for the Indian student. Other conditions indicating the need for this Act included lack of a tax base to provide funds, no realistic prospect of obtaining the needed funds from the education budget of the Bureau of Indian Affairs, and insufficient aid under the Higher Education Act.

Perhaps the most convincing argument for the need for this Act is the success of the Navajo Community College. This Act confirms the federal role in Indian postsecondary education based on the federal government's legal responsibility to the Indian Nations.

Purpose of Legislation

The primary purpose of this Act is to provide basic support grants for community colleges which are controlled by Indian tribes so that Indians desiring an advanced education may obtain one without undergoing "culture shock." Even more important is the fact that, by virtue of community control, Indian students have the opportunity to learn what is meaningful and appropriate to their unique situation. Because of community control, Indian students can also learn about their rich cultural heritage and thereby gain a measure of pride and self-confidence.

The Act also proposed to provide special funding for the Navajo Community College. This separate treatment is occasioned by its legal history and relative sophistication.

Proposed Results

Proposed results include job opportunities with the community college, the development of a tribal vocational/technical work force, which would, in turn, develop currently untapped tribal resources and expand the number and kinds of successful role models. Ultimately, it is hoped that this legislation will raise both the educational and economic levels of those who reside on

reservations so that they will not need to continue to rely on federal assistance. Through tribal control of community colleges, Indians will be participating in controlling their own futures.

Elibilility

Recipients of federal funding under this Act must meet the criteria set by the Bureau of Indian Affairs in their definition of "tribally controlled community college" which:

> means an institution of higher education which is formally controlled, or has been formally sanctioned, or chartered, by the governing body of an Indian tribe or tribes, except that no more than one such institution shall be recognized with respect to any such tribe.[12]

Further, Section 103 identifies eligible grant recipients as a tribally controlled community college if it:

> (1) be accredited, or
>
> (2) satisfy the Secretary that it is making an effort toward and has a reasonable expectation of receiving accreditation, or
>
> (3) has its credits accepted by at least three accredited institutions.

Programs/Training/Services

The Act does not specifically mention vocational education, however, there is implied potential for vocational education programs. Federal assistance is provided to tribally controlled community colleges to aide in the postsecondary education of Indian students. Traditionally, community colleges have provided vocational education related specifically to job opportunities within the community which the college proposes to serve.

Administration

The Tribally Controlled Community College Assistance Act of 1978 is administered by the Bureau of Indian Affairs.

Each tribally controlled community college that wishes to receive a grant must apply to the director of Education, Bureau of Indian Affairs before January 31 of the year preceding the academic year for which the grant is requested.

Each community college that receives a grant must make a report to the director of the Department of Education, Bureau of Indian Affairs by December 1 of each year. This report must include an annual accounting of the amounts and purposes for which monies were expended, the cost of all education programs, and a final report of performance. The number of Indian students enrolled for each academic term must also be reported.

Contact Persons(s)

Earl Barlow, Director (202) 343-7163
Office of Indian Education Programs
Bureau of Indian Affairs
Department of Interior
18th and C Streets, N.W.
Washington, DC 20201

Source: The information in this section is paraphrased and quoted from Public Law 94-437, Indian Health Care Improvement Act, United States of Congressional and Administrative News, Vol. 1, 1978, pp. 1400-1410.

Vocational Rehabilitation Act
of 1973 - 1978
Public Law 95-602 and 93-112
Passed: November 6, 1978
Authorization Expires: 1982

Background

The original Rehabilitation Act of 1973 has been amended three times through federal legislation: Public Law 93-516 (1974, Public Law 94-230 (1976), and Public Law 94-602 (1978). Section III(a) of the Rehabilitation Act Amendments of 1948 (Public Law 93-516) amended the definition of "handicapped individual" so that the definition is no longer limited to the consideration of emplcyability. Public Law 94-230, the Rehabilitation Act Extension, merely extended the Act through September 30, 1977. Public Law 95-602, is titled the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments. Title I Amendments to the Rehabilitation Act of 1973 contain major revisions of the original Act, including the establishment of grants to Indian tribes for vocational rehabilitation, which have not been funded.

Purpose of Legislation

The purpose of this Act is to develop and implement, through research, training, services, and the guarantee of equal opportunity, comprehensive and coordinated programs of vocational rehabilitation and independent living for handicapped individuals.

Proposed Results

The Act proposes that handicapped adults have the opportunity to obtain services, education, and skills to extend their social and economic needs to the highest level they are capable of achieving.

Eligibility

'Eligible' or 'eligibility,' when used in relation to an individual's qualification for vocational rehabilitation services, refers to certification that:

(a) An individual has a physical or mental disability which, for that individual, constitutes or results in a substantial handicap to employment; and

(b) Vocational rehabilitation services may reasonably be expected to benefit the individual in terms of employability.

'Employability' refers to a determination that the provision of vocational rehabilitation services is likely to enable an individual to enter or retain employment consistent with his capabilities and abilities in the competitive labor market; the practice of a profession; self-employment; homemaking; farm or family work (including work for which payment is in kind rather than in cash); sheltered employment; homebound employment; or other gainful work.

Programs/Training/Services

The Act has seven titles. Of these, Titles I, II, III, VI, and VII contain opportunities for training and support services directed toward enabling the person to become employable. Title IV and Title V are primarily adminstrative provisions.

Title I. Section 103(a) explains that vocational rehabilitation means any goods or services necessary to render any handicapped person employable, including at least:

1. evaluation of rehabilitation potential;

2. counseling, guidance, referral, and placement services;

3. vocational and training services, including personal and vocational adjustment, books, and other training materials and services to the family;

4. physical and mental restoration services;

5. maintenance, not exceeding the estimated cost of subsistence during rehabilitation;

6. interpreter services for the deaf and reader services for the blind;

7. recruitment and training services to provide employment opportunities in rehabilitation, health, welfare, public safety, and other appropriate services employment;

8. rehabilitation teaching services and orientation and mobility services for the blind;

9. occupational licenses, tools, equipment, and initial stocks and supplies;

10. transportation in connection with the rendering of any vocational rehabilitation services; and

11. telecommunications, sensory, and technological aids.

Part B establishes client assistance projects which utilize counselors to inform, advise, and assist clients with regard to benefits under the Act.

Part D authorizes the governing bodies of Indian tribes to receive grants covering 90 percent of the costs of vocational rehabilitation services. The designated state administrative unit must be consulted during the development of the grant application. To date, no appropriations have been made to implement this part.

Title II. Section 204(b)(12) provides for research to develop strategies for improving the employment potential of the handicapped. These programs include: testing and evaluation of individuals' employment potential programs, teaching skills which lead to employment, new approaches to job placement, and information services on education, training, employment and job placement. This title implies opportunities for tribal governing bodies to develop vocational programs.

Title III. Section 302(a) authorizes grants for vocational training services each fiscal year until the one ending October 1, 1982. These services include career advancement training, occupational skills training, work testing and evaluation, occupational tools and equipment, and weekly allowances.

Section 305 provides grants to any state-designated unit to establish and operate comprehensive rehabilitation centers.

Title VI. Part A authorizes the secretary of the Department of Labor to establish community service employment pilot programs through agreements with public or private nonprofit agencies or organizations. Tribal organizations are included. Individuals will be employed in service areas, facilities, and projects which contribute to the general welfare of the community. Such projects will provide any necessary training. These pilot programs are authorized until the fiscal year ending September 30, 1982.

Part B authorizes the establishment of project financed jointly with industry and business. Such projects must provide training and employment in a realistic work setting. They must also provide supportive services, and expand job opportunities by:

1. developing and modifying jobs to accommodate special needs,

2. providing specially adapted equipment, and

3. establishing job placement services.

Projects under this part are in effect until October 1, 1982.

Title VII provides independent living opportunities for severely handicapped persons.

Administration

The Rehabilitation Act is administered through the Department of Health and Human Services.

Each department, agency, and instrumentality participating must submit an affirmative action plan to the Civil Service Commission and the Interagency Committee. Such plans are to be annually updated and reviewed.

Contact Person(s)

Harold F. Shay, Director (202) 245-0079
Division of Manpower Development
Rehabilitation Services Administration
Room 3321, Mary E. Switzer Building
330 C Street, S.W.
Washington, DC 20201

Advisory Committee. The Act establishes the National Institute of Handicapped Research, headed by a director who is responsible to the secretary of Health and Human Resources. The Institute is responsible for administering programs, disseminating information, conducting conferences, and other similar activities. It is also responsible for coordination of all federal programs involving research.

The National Council on Handicapped Research represents handicapped individuals, national organizations concerned with the handicapped, providers and administrators, those in medical and scientific research, and business and labor. The Council advises the National Institute of Handicapped Research and the Commissioner.

The Interagency Committee on Handicapped Employees is comprised of members from the Civil Service Commission, Veteran's Affairs, Department of Labor, and Health and Human Resources.

Plans. To be eligible to participate in programs, each state agency must submit to the commissioner of a state plan for vocational rehabilitation services for a three-year program. Upon request by the Commissioner, there must be an annual revision. If all handicapped persons cannot be accommodated, the order of selection must be shown. The state must assure the commissioner that it will provide vocational rehabilitation services to its American Indians to the same extent as other significant segments of the population.

An individualized program for each individual eligible for vocational rehabilitation must be submitted to the commissioner, through the state agency.

The Director of the National Institute for Handicapped Research is required to develop and submit long range plans for research to the appropriate Congressional committees. No research grant is to exceed four years.

Reporting and Monitoring Processes. Each recipient of a grant or contract, including state agencies, must keep records that will facilitate an effective audit. Not later than 120 days after the close of the fiscal year, the commissioner must submit to the president, for transmittal to Congress, a complete report, including statistical data. The Secretary of Health and Human Resources must annually publish summaries of evaluations of research, programs, and project impact.

The National Council on Handicapped Research reviews and evaluates all programs, policies and activities on a continuing basis. It must also submit an annual report on March 31 to the secretary, Congress, and the president.

Section 131 requires the secretary to submit an evaluation of all programs not less than thirty months after the enactment of the 1978 amendments. This evaluation must include the extent to which services have been made available to all handicapped Indians on reservations.

Grant Applications. Generally, grants must receive approval of the commissioner, who is authorized to make grants to states, public, and nonprofit organizations. Section 621 also authorizes the commissioner to make grants and enter contracts with industries under specified conditions.

The Director of the Interagency Committee has authority to make grants and enter contracts with state, public and private agencies, and organizations for projects and research.

The Secretary of Labor has authority to establish community service pilot employment programs, and may make agreements with states and tribes for payment thereof.

Section 130 (a) authorizes the commissioner to grant Indian tribes on reservations 90 percent of monies expended on vocational rehabilitation, provided programs have been developed in consultation with the state agency.

Source: The information in this section is paraphrased from Public Laws 93-112 and 95-602, the Rehabilitation Acts of 1973 and 1978, United States Code of Congressional and Administrative News, Vol. 1, 1973, pp. 409-454; Vol. 2, 1978, pp. 2955-3017.

Vocational Education Act of 1976
Public Law 94-482
Passed: October 12, 1976
Authorization Expires: 1982

Background

The 1976 and 1978 amendments to the Vocational Education Act of 1963 provide for enlarging the scope of services and ensuring that quality training and retraining are available to all people who can profit by such training. The Act of 1963 was the beginning of a federal commitment to vocational education.

Purpose of Legislation

The purpose of the amendments of 1976 and 1978 were to extend the existing legislation to:

> persons of all ages in all communities of the State, those in high school, those who have completed or discontinued their formal education and are preparing to enter the labor market, those who have already entered the labor market but need to upgrade their skills or learn new ones, those with special educational handicaps, and those in postsecondary schools, will have ready access to vocational training or
>
> retraining which is of high quality, which is realistic in the light of actual or anticipated opportunities for gainful employment, and which is suited to their needs, interests, and ability to benefit from such training.
>
> The purpose of the program for Indian tribes and Indian organizations is for the Commissioner, at the request of an Indian tribe, to make a contract or contracts directly with Indian tribal organizations, with funds available under section 103(a) (1) of the Act, to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the Act, particularly section 103(a) (b) (iii) of the Act.

Proposed Results

The Act proposes to improve and maintain vocational education programs at both the state and national levels for training and retraining to all persons who may profit from such opportunities.

Eligibility

The Act is designed to serve all ages, all races, and both sexes. Depending upon the portion of the legislation, participants may be high school students, college students, or professionals. Section 103(1)(B) (i) specially identifies Indian tribes and Indian organizations as being eligible for contracts through the Office of Vocational and Adult Education.

> From the remainder of the sums appropriated pursuant to Section 102(a), the Commissioner is authorized to reserve for purpose of this subparagraph an amount approximately equivalent to the same percentage of that appropriation as the population ages fifteen to twenty-four, inclusive, which is eligible to receive educational benefits as an Indian from the Bureau of Indian Affairs is to the total population of all the States aged fifteen to twenty-four, inclusive, except that such amount shall not exceed 1 per centum of such remaining appropriation.

Local educational agencies or postsecondary institutions are defined in the Act as being "eligible recipients."

Programs/Training/Services

The programs and training opportunities made available to Indians through this Act are the same as to the general public. Section 103 of the Act provides that funding be available to:

> plan, conduct and administer programs. . . which are consistent with this Act.

The States have specific funds which are available for specific purposes. The following is a summary of programs and training available under each section:

Section 120 indicates that states may use the funds according to their five year plans for the following purposes: vocational education programs, "organized educational programs which are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation (upgrading and retraining) for a career requiring other than a baccalaureate or advanced degrees," work-study, cooperative vocational education, energy education, construction of area vocational education school facilities, support for full-time personnel, stipends, placement services, industrial arts programs, support services for women, and day care services.

Under Section 130, the state may fund research in the following categories which apply to opportunities for Indians: applied research and development, experimental development of new careers and occupations (training and information), and dissemination of results of contracts.

Under Section 132, the state is to make funds available for exemplary and innovative programs. These programs must address a targeted population, urban, rural, migrant, limited-English-speaking, agencies with cooperative agreements, and programs which address sex stereotyping.

Under Section 133 funds are available for curriculum development. These materials may be for improvement of current materials, improvement of curriculum, or support services for a targeted group.

Section 134 provides funding for the support of vocational guidance and counseling services. Funds may be used for developing methods of counseling children, youth, and adults in career options; job placement services; in-service workshops for counselors; counseling targeted populations; establishing resource centers; and other related activities.

Section 135 provides funds to support programs to improve the qualifications of vocational education personnel or to assist those who are preparing to go into the field.

Section 136 makes funds available for programs which are designed to overcome sex bias in vocational education.

Section 140 is related to special programs for the disadvantaged and addresses specific needs of unemployed youth and high school dropouts.

Section 150 funds consumer and homemaking education, which includes: preparing both males and females to function well in roles of homemakers and wage earners, thus eliminating sex

stereotyping in curriculum materials and related activities.

Under the administration of the Office of Vocational and Adult Education, the following training and program opportunities are offered:

Section 172 provides funds for advanced study for vocational educators, certified teachers to become vocational educators through leadership development awards.

Section 185 provides for funding bilingual vocational training for persons who have left elementary or secondary school and are available for postsecondary education training and retraining.

Section 186 provides funds for bilingual instructor training programs.

Section 188 provides funds for the development of instructional materials, methods, and techniques to be used with and by bilingual students.

Administration

The United States Office of Education is responsible for the administration of the Act. The Office of Vocational and Adult Education has direct responsibility.

Contact Person(s)

(202) 245-8166
Office of Vocational and Adult Education
7th and D Streets
Washington, DC 20202

Advisory Committee. The Act requires advisory committees at all levels, including national, state, local, as well as tribal educational agencies. The national vocational education advisory committee members are appointed by the president of the United States. State advisory committee members are appointed by the governor. Local education agencies and Indian vocational programs must also have advisory committees.

Plans. Each state vocational agency must submit a five-year as well as an annual plan to the Office of Education. Local education agencies must submit an annual plan to the state department. The Bureau of Indian Affairs and the Office of Education are to submit a plan for the use of the set-aside for Indians (this has not been accomplished to date).

Reporting and Monitoring Process. Each state is required to submit an annual plan, which includes how the past year's funds were spent and an evaluation of the effectiveness of their utilization.

An evaluation plan is required for each project funded by the state through a local education agency. The Indian tribes and organizations and other programs which are funded directly by the federal government require annual evaluations for monitoring as well as programming purposes.

Source: The information in this section is paraphrased and quoted from Public Law 94-482, the Vocational Education Act of 1976, United States Code of Congressional and Administrative News, 1976, Vol. 1, pp. 2169-2251.

Comprehensive Employment
and Training Act Amendments
Public Law 95-524
Passed: October 28, 1978
Authorization Expires: 1982

Background

The Comprehensive Employment and Training Amendments of 1978 amend the 1973 Comprehensive Employment and Training Act. The amendments provided for tightening up of eligibility requirements and set limits on the length of programs. In addition, strict salary ceilings were established in an attempt to prevent fraud. Emphasis was placed on training unskilled persons, increasing private sector involvement and reducing chronic youth unemployment. Of special interest to Indian people is the Native American Programs section of the Act.

Purpose of Legislation

Section 2 of Public Law 95-524 states that the purpose of the Comprehensive Employment and Training Act is:

> It is the purpose of this Act to provide job training and employment opportunities for economically disadvantaged, unemployed or underemployed persons which will result in an increase in their earned income, and to assure that training and other services lead to maximum employment opportunities and enhance self-sufficiency by establishing a flexible, coordinated and decentralized system of Federal, State, and local programs. It is further the purpose of this Act to provide for the maximum feasible coordination of plans, programs, and activities under this Act with economic development, community development, and related activities, such as vocational education, vocational rehabilitation, public assistance, self-employment training, and social service programs.

Proposed Results

Proposed results include the increased amount of earned income and training leading to employment and self-sufficiency for the economically disadvantaged, unemployed, or underemployed persons.

Eligibility

The populations which the Comprehensive Employment and Training Act serves are the economically disadvantaged, unemployed, and underemployed. Native Americans are specifically named in the legislation. The Native American identification includes but is not limited to: "The Lummis of Washington, the Menominees and Klamaths in Oregon, the Oklahoma Indians, the Passamaquoddys and Penobscots in Maine, Eskimos and Aleuts in Alaska, and Hawaiian Natives."

Title II. Comprehensive Employment and Training Services

Subpart B, Services: must be economically disadvantaged and underemployed, unemployed, or in school

Subpart C, Upgrading: must be operating at less than full skill potential, working for the same employer for the prior six months and have little or no advancement opportunity

Retraining: must have received a bona fide notice of impending layoff and have been determined as not having a saleable skill within the labor market area

To qualify under Subpart D, special grants for governor transitional programs, one must:

(1) be economically disadvantaged, be unemployed at the time of application, and have been unemployed during 15 of the 20 weeks immediately prior to applying, or

(2) be a member of a family which is receiving public assistance,

(3) reside within the prime sponsor's jurisdiction (note exceptions in rules and regulations), and

(4) not have voluntarily terminated without good cause within the immediately prior six months.

Title III. Special Federal Responsibilities

Subpart A, Special National Programs and Activities, provides services to the following groups:

Section 301: Persons who face particular disadvantages

in specific and general labor markets or occupations, including offenders, persons of limited English language proficiency, handicapped individuals, women, single parents, displaced homemakers, youth, older women, individuals who lack educational credentials, public assistance recipients, and other persons whom the Secretary determines require special assistance . . .

Individuals who become unemployed as a result of large-scale loss of jobs in a locality caused by the closing of a facility, mass layoffs, natural disasters, or similar circumstances,

Section 302: Native American Employment and Training Programs

Eligibility for this program is the same as it is for all other programs under CETA, with the additional stipulation that the participant must be Native American. (See rules and regulations for definition of Native Americans.)

Section 303: Migrant and Seasonal Farmworkers Employment and Training Programs

In addition to meeting the criteria for being a migrant and seasonal worker, the participant must meet the criteria stipulated in Title II D.

Section 304: Job Search and Relocation Assistance for all unemployed and underemployed persons

Section 305: Veterans Information and Outreach for Disabled and Vietnam war veterans

Section 305: Programs for personnel who will be working with and assisting the handicapped

Section 307: The development of programs between agencies to serve all Comprehensive Training Act participants

Section 308: Projects for middle-aged and older workers

The participants must be over 55 years of age and meet the requirements set forth in Title II, D.

Subpart B, provides for research, training and evaluation. Any training (demonstration and experimental) would serve a specific audience addressed by the project who meet general Comprehensive Training Act criteria for service.

Title IV. Youth Programs

Subpart I, Youth Incentive Entitlement Pilot Projects
To qualify, a youth must:

(i) be unemployed or underemployed or in school;

(ii) be 16 through 21 years of age inclusive;

(iii) be a member of a family with a total family income at or below 85 percent of the lower living standard income level; and

(2) Preference shall be given to economically disadvantaged youth within the eligible population. Appropriate efforts shall be made to give service to those youth who have severe handicaps in obtaining employment, such as those who lack credentials (such as a high school diploma), require substantial basic and remedial skill development or are women, minorities, veterans, offenders, handicapped individuals or individuals who have dependents (section 444 (a)).

(3) A youth may not be enrolled in full-time employment opportunities.

(i) The youth has not attained the age with respect to which the state compulsory education law ceases to apply, except

(A) During periods when school is not in session, and

(B) If employment is undertaken in cooperation with school-related programs awarding academic credit for work experience, or

(ii) The youth has not attained a high school degree or its equivalent and it has been determined by the prime sponsor that the youth dropped out of high school in order to participate in YETP (sec. 443 (F)).

(b) For YETP programs (extraordinary):

(1) Individuals otherwise eligible under paragraph (a) of this section who are in school, and who are 14 or 15 years old may participate when the YETP subpart specifies a youth development strategy which provides broad career exposure for these youths (sec. 435).

(2) Youth need not meet the income criteria described in paragraph (a) (1) (iii) of this section if they participate in a special component as described in 680.11 (d)

which provides for the participation of youth of various income levels (sec. 435).

(3) Youths who do not meet the income criteria and who are not in a special component may be offered services which are limited to:

(i) Counseling, including occupational information,

(ii) Occupational education and training information, including information on apprenticeship training,

(iii) Placement services:

(iv) Job referral information through coordinated intake systems, or

(v) Assistance in overcoming employment related sex-stereotyping in job development, placement, counseling and guidance.

Subpart II, Youth Community Conservation Improvement Projects

(1) 16 through 19 years of age inclusive; and

(2) unemployed

(b) Preference shall be given to economically disadvantaged youth within the eligible population.

(c) Appropriate efforts shall be made to serve youths who have severe handicaps in obtaining employment as described in 873-3-3 (a) (2) (sec. 144(a)).

(d) A youth may not be enrolled in full-time employment opportunities if:

(1) Any compulsory education law requirements still apply to the youth except:

(i) During the periods when school is not in session, or

(ii) If employment is undertaken in cooperation with school-related programs awarding academic credit for work experience, or

(2) The youth has not attained a high school degree or its equivalent and it has not been determined that the youth has dropped out of school to participate in YCCIP (sec. 443).

(e) Each participant shall be limited to a maximum enrollment of 12 months with no more than two terminations and re-enrollments, provided age eligibility is met at the time of each re-enrollment.

Subpart III, Youth Employment Training Programs

For SYEP programs described in subpart C of Part 680, a youth must be:

(a) At the time of application economically disadvantaged; and

(b) At the time of enrollment 14 through 21 years of age inclusive (sec. 402).

Title VI. Countercyclical Public Employment Program

1. Unemployed for at least 10 out of the 12 weeks immediately prior to a determination under this section.

2. Unemployed at the time.

3. Family income does not exceed the lower living standard income level, for the 3 month period prior to application.

4. Is, or whose family is, receiving aid to families with dependent children.

Title VII. Private Sector Opportunities for the Economically Disadvantaged

1. Be economically disadvantaged, be unemployed at the time of application and have been unemployed during 15 of the 20 weeks immediately prior to application, or

2. Be a member of a family which is receiving Public Assistance

3. Reside within the prime sponsors jurisdiction

4. Not have, within the immediate prior six months, voluntary terminated without good cause.

Title VIII. Young Adult Conservation Corps

b.
(1) Membership in the Corps shall be limited to individuals who at the time of enrollment--

(A) are unemployed;

(B) are between the ages 16 to 23 inclusive;

(C) are citizens or lawfully permanent residents of the United States or lawfully admitted refugees or parolees; and

(D) are capable as determined by the Secretary of carrying out the work of the Corps for the estimated duration of each such individual's enrollment.

(2) Individuals who at the time of enrollment have attained age 16 but not attained age 19 and who have left school shall not be admitted to membership in the Corps unless they give adequate assurance under criteria established by the Secretary, that they did not leave school for the purpose of enrolling in the Corps and obtaining employment: under this title.

Programs/Training/Services

Title II. The Comprehensive Employment and Training Services provides the following:

Subpart A, requires that the prime sponsor develop an employability plan for each participant. This plan must take into consideration the participant's skills, interests, career objectives, and barriers to employment or occupational advancement that the participant must face, (Employment Development Plan).

The second requirement is that the prime sponsor make agreements with state and local education agencies and institutions of higher education. These agreements would consist of provisions for vocational education, teaching basic cognitive skills, employment in the institution, and other employment and training activities.

Subpart B, provides for classroom, on the job and work experience job training. In addition, services to economically disadvantaged are made available.

Subpart C, provides for upgrading and retraining through classroom, on the job training, and work experience.

Subpart D, Special Grants for Governors, provides for coordinating efforts. Funds are also available for participants' allowances, curriculum development, and technical assistance to local programs.

Subpart E, Transitional Employment Opportunities for the Economically Disadvantaged, provides for entry level public service and private sector employment. Classroom training or individualized instruction is provided, and employability skills may be upgraded through basic education.

Title III. Special Federal Responsibilities, provides training and services such as: job training, job-readiness services, job counseling, job search, job placement, information services, education and referrals, health, financial, legal, and other services as needed. The job training categories include classroom, on-the-job training, and work experience.

Title IV. Youth Demonstration Programs, provided for under this title are exploratory and may include innovative methods for assisting youth to become employed and stay employed.

Subpart 1, Youth Incentive Entitlement Pilot Projects, provides part-time employment during the school year and full-time employment during the summer months.

Subpart 2, Youth Community Conservation and Improvement Projects, provides for work related to community services such as:

> Rehabilitation or improvement of public facilities, neighborhood improvements; weatherization and basic repairs to low-income housing; energy conservation, including solar energy techniques. Especially those utilizing materials, and supplies available without cost; removal of architectural barriers to access; by handicapped persons to public facilities; and conservation maintenance, or restoration of natural resources on publicly held lands other than federal lands;

to provide youth with employment opportunities, work experience and skill training.

Subpart 3, Youth Employment and Training, provides for:

(1) Useful work experience opportunities in a wide range of community betterment activities such as rehabilitation of public properties, assistance in the weatherization of homes occupied by low-income families; demonstrations of energy-conserving measures, including, solar energy techniques (especially those utilizing materials and supplies available without cost), part establishment and upgrading, neighborhood revitalization, conservation and

improvements, removal of architectural barriers to access by handicapped individuals to public facilities, and related activities;

(2) productive employment and work experience in fields such as education, health care, neighborhood transportation services, crime prevention and control environmental quality control (including integrated pest management activities), preservation of historic sites, and maintenance of visitor facilities;

(3) appropriate training and services to support the purpose of this subpart, including:

(A) Outreach assessment and orientation;

(B) counseling, including occupational information and career counseling;

(C) activities promoting education to work transition;

(D) development of information concerning the labor market, and providing of occupational, educational, and training information;

(E) Services to youth to help them obtain and retain employment;

(F) literacy training and bilingual training;

(G) attainment of certificates of high school equivalency;

(H) job sampling, including vocational exploration in the public and private sector;

(I) institutional and on-the-job training, including development of basic skills and job skills;

(J) transportation assistance;

(K) child care and other necessary supportive services;

(L) job restructuring to make jobs more responsive to the objectives of this subpart, including assistance to employers in developing job ladders or new job opportunities for youth, in order to improve work relationships between employers and youth;

(M) community-based central intake and information services for youth;

(N) job development, direct placement, and placement assistance to secure unsubsidized employment opportunities for youth to the maximum extent feasible, and referral to employability development programs;

(O) programs to overcome sex-stereotyping in job development and placement; and

(P) programs and outreach mechanisms to increase the labor force participation rate among minorities and women.

Title V, National Commission for Employment Policy, is not applicable to vocational education.

Title VI, Countercyclical Public Service Employment Program, provides for service employment not limited to entry level.

Title VII, Private Sector Opportunities for the Economically Disadvantaged, provides for:

1. Coordinating programs of jobs and training and education, enabling individuals to work for a private employer while attending an education or training program;

2. Developing small business intern programs to provide practical training enabling youths and other individuals to work in small business firms to acquire first-hand knowledge and management experience about small business;

3. Developing relationships between employment and training programs, educational institutions, and the private sector;

4. Developing useful methods for collecting information about federal government procurement contracts with private employers; new and planned publicly supported projects, such as public works, economic development and community development programs, transportation revitalization, alternative energy technology development, demonstration, and utilization projects, energy conservation projects, and rehabilitation of low-income housing as part of a community revitalization or stabilization effort, which provide work through private sector contractors;

5. Conducting innovative cooperative education programs for youth in secondary and postsecondary schools designed to coordinate educational programs with work in the private sector;

6. Developing and marketing model contracts designed to reduce the administrative burden on the employer, and model contracts to meet the needs of specific occupations and industries;

7. Coordinating programs under this title with other job development, placement, and employment and training activities carried out by public and private agencies;

8. Providing on-the-job training subsidies on a declining ratio to wages over the period of training;

9. Providing follow-up services with employees placed in private employment and employers who hire recipients of services under this Act;

10. Encouraging employers to develop job skill requirement forecasts and to coordinate such forecasts with prime sponsors;

11. Using direct contracts for training and employment programs with private profit and nonprofit organizations;

12. Developing apprenticeship or comparable high skill training programs for workers, regardless of age, in occupations where such programs do not exist presently in the area;

13. Increasing opportunities for upgrading from entry level jobs by providing counseling and other services to employees and employers beyond initial training periods;

14. Providing technical assistance to private employers to reduce the administrative burden of employment and training programs; and

15. Disseminating information to private employers so that they may more fully utilize programs under this Act.

Title VIII. Young Adult Conservation Corps, provides work projects in such fields as:

> Section 804(a) Consistent with each interagency agreement, the Secretary of the Interior or Agriculture, as appropriate, in consultation with the Secretary of Labor shall determine the location of each residential and nonresidential Corps center. The Corps shall perform work projects in such fields as:

1. Tree nursery operations, planting, pruning, thinning, and other silviculture measures;

2. Wildlife habitat improvements and preservation;

3. Range management improvements;

4. Recreation development rehabilitation and maintenance;

5. Fish habitat and culture measures;

6. Forest insect and disease prevention and control;

7. Road and trail maintenance and improvements;

8. General sanitation, cleanup, and maintenance;

9. Erosion control and food damage;

10. Drought damage measures;

11. Other natural disaster damage measures; and

12. Integrated pest management, including activities to provide the producers of agricultural commodities with information about the appropriate amount of chemical pesticides to be used in conjunction with nonchemical methods of pest control.

To the maximum extent practicable projects shall:

1. be labor-intensive;

2. be projects for which work plans could be readily developed;

3. be able to be initiated promptly;

4. be productive;

5. be likely to have a lasting impact as to the work performed and the benefit to the youths participating; and

6. provide work experience to participants in skill areas required for the projects.

Administration

The Comprehensive Employment and Training Act is administered by the Secretary of Labor and his designates.

Because this Act is so broad and complicated, this section will speak in general terms only. The reader is directed to the Act itself for specifics. Certain parts of the Act specifically address Indian and Native American concerns. These are: Title II, Part D; Title III, Section 302; Title IV, Parts A and C; Title VI: and Title VII.

Contact Person (s)

Lemont Goodwin, Director (202) 376-7178
Office of National Programs
Department of Labor
601 D Street, N.W.
Washington, DC 20213

Pete Homer, Jr., Acting Director (202) 376-7178
Office of Native American Programs
Department of Labor
601 D Street, N.W.
Washington, DC 20213

Advisory Committee

A planning council may be established by a Native American grantee. Its members may include representatives of the client community, community-based organizations, education and training agencies, the private business, organized labor, and tribal and other relevant agencies.

Any Native American grantee whose combined allocations from Youth Community Conservation and Improvement Projects (YCCIP) and Youth Employment and Training Programs (YETP) exceed $150,000 must establish an advisory youth council, which may be separate, or a subcouncil to the planning council. The grantee's appointments are to include representatives of the local educational agencies, the local vocational advisory council, postsecondary education institutions, businesses, unions, the public employment service, local government agencies serving youth, and the youth who are eligible or are actually participating.

Title VII, provides for the establishment of Private Industry Councils (PICs). Each Native American grantee is to appoint the council's members, a majority of whom should be representatives of business, industry, and labor. Where appropriate, these must include representatives of tribally owned enterprises and ventures owned by Alaskan regional and village corporations.

Plans. Every program is part of a written proposal which, in its entirety, is called a Comprehensive Employment and Training Plan (CETP). Consortia are designated Native American grantees who are to establish a planning process on the basis of which these CETPs are submitted. Each CETP must contain all documentation needed to apply for any funds. Section 302 of Title III contains the very detailed requirements for typical proposals. In addition, readers should consult the particular title with which they are concerned.

Each Native American grantee must identify procedures to be used to prevent fraud and program abuse. These procedures are to be included within their CETP. Title VII requires that PICs participate in formulating programs thereunder.

Reporting and Monitoring. Extensive reporting and monitoring are provided for under virtually every title and section of the Act. Procedures for continuous reporting and monitoring program effectiveness and fiscal management are an integral part of each CETP. As such, they are the responsibility of the indiviudal Native American grantees, subgrantees, or contractors, but the methods must be approved and monitored by the Office of Indian and Native American Programs* of the Department of Labor (OINAP). Within thirty days of the end of each fiscal year, each Native American grantee must submit a financial and program report on each program to OINAP. The Secretary of the Department of Labor is responsible for completing all audits which are necessary "in a timely fashion" following the end of the fiscal year.

Rules and Regulations. Ultimate responsibility for rules and regulations rests with the Secretary of the Department of Labor, but they are promulgated through Office of Indian and Native American Programs so that the Acts policies of self-determination may be furthered. The Director of OINAP may exercise much discretion.

OINAP is charged with designating all Native American grantees for each fiscal year by June 1. Those applicants not so designated have the right of appeal. OINAP must notify each grantee of allocations of funds, proposed and final rules, and directives.

*Formerly the Division of Native American Programs.

OINAP is also charged with providing timely guidance to Native American grantees as to compilation of all documentation, upon completion of the grant period or other termination date as determined by OINAP. Generally, it is the responsibility of OINAP not only to formulate rules and regulations, but also to help its grantees comply with them.

Grant Applications. Potential grant applicants are to notify OINAP of their intention to apply for funds by March 1. The notice of intent is to be submitted on Standard Form 424. Completed grant applications must be submitted to the designated OINAP federal representative by August 1 of each year.

Any applicant for designation as a Native American grantee who is refused such designation may file a Petition for Reconsideration with OINAP with fourteen days of receipt of a letter indicating such refusal. OINAP then has thirty days in which to make a final determination.

Under Title VII, all grants will be awarded on a competitive basis. OINAP will issue a Solicitation for Grant Applications (SGA). This will describe the content of the application, time frame for funding and criteria to be used in the evaluation of the proposal. The Private Industry Council (PIC) chairperson as well as the Native American grantee must sign this plan.

Source: The information in this section is paraphrased and quoted from Public Law 95-524, the Comprehensive Employment and Training Act Amendments of 1978, United States Code Congressional and Administrative News, Vol. 1, 1978, pp. 1909-2021.

Also: Federal Register, Vol. 44, No.85, Tuesday, April 3, 1979, Rules and Regulations.

And: Federal Register, Vol. 44, No.216, Tuesday, November 6, 1979, Rules and Regulations.

Career Education Incentive Act
Public Law 95-207
Passed: December 13, 1977
Authorization Expires: 1983

Purpose of Legislation

The purpose is to assist states and local educational agencies and institutions of postsecondary education in emphasizing career awareness, exploration, decision making, and planning. Services are to be provided in a manner which will promote equal opportunity in making career choices through the elimination of bias and sterotyping.

Administration

The Act is to be administered by the United States Department of Education.

Summary

A summary of this Act follows because it does not lend itself to the type of analysis which has been provided for other acts. A state educational agency is responsible for administering the programs and funds expended under the Act. The state itself must apply to the Secretary of Education for funds based on a state plan.

Career education programs must be administered in such a manner that all instructional programs at the elementary and secondary levels will be affected; they are not to be solely vocational education programs.

The Act emphasizes career counseling by providing training, conferences, etc., for educational personnel. Comprehensive career guidance, counseling, placement and follow-up services utilizing teachers, parents, and community resource personnel are among the suggested programs authorized.

The second emphasis of the Act is eliminating stereotyping and bias in career counseling methods. This should include developing and implementing collaborative relationships with groups representing minorities and women. Educational personnel are to become acquainted with ways of overcoming stereotyping and bias in career counseling.

Grants may also be made for model projects demonstrating effective methods and techniques in career education, especially those designed to eliminate bias and stereotyping.

The National Advisory Council on Career Education is to perform the same functions as it performs in the 1975 Education Amendments. The Council is to include among its members in broadly representative fields, members of minority groups knowledgeable with respect to employment discrimination and stereotyping affecting career choices.

The state educational agency is responsible for continuous review of the state plan. It is also to propose criteria to the Secretary of Education for evaluation of the extent to which the state will achieve the objectives set out in its plan. The effectiveness of any model project is to be evaluated, at least annually, on the basis of the extent to which objectives were met.

Source: The information in this section is paraphrased from Public Law 95-207, the Career Education Incentive Act, United States Code Congressional and Administrative News, Vol.1, 1977, pp. 1464-1474.

Economic Opportunity Act
Public Law 88-452
Passed: 1964
Authorization Expires: 1981

Background

The Economic Opportunity Act of 1964 was one of the first of President Lyndon Johnson's Great Society Programs, which were designed to improve economic opportunities for this nation's poor. The 1960s War on Poverty programs were intended to respond to the cultural, social, and economic inequities in the United States.

The original Act has been amended several times throughout its brief history. The most recent amendment (1978) was Public Law 95-568, whose purpose it was to extend and revise programs under Title I through Title IX of the Equal Opportunity Act.

Purpose of Legislation

The twofold purpose of the Act is to establish the community action administration and to eliminate poverty by providing the opportunity for education and training, work, and decent living conditions.

Proposed Results

To enable low-income individuals and families to attain the skills, knowledge, and motivations to secure the opportunities needed to become self-sufficient.

Eligibility

Title I provides for community action programs that deal with the critical needs and problems of the poor. The definition of "poor" is published annually and varies according to the cost of living and size of family. Community Action Agencies are designated as, "a State or political subdivision of a State or combination of such subdivisions, or a public or private nonprofit agency or organization designated by a State or political subdivision or combination of subdivisions." Subsection (c) further defines community as, "a city, county, multicity, multicounty, or other governmental unit, an Indian reservation or neighborhood or other area, regardless of political boundaries..." In this title it is important to note that in subsection (f) "Tribal governments of an Indian reservation are to be deemed political subdivisions of a State."

Title II provides for assistance to those who "are unable to care for themselves or their families."

Title VIII provides training opportunities for those employed by public and nonprofit private agencies, including but not limited to, governing bodies of Indian tribes on federal and state reservations, Alaskan Native villages and regional corporations established by the Alaska Native Claims Settlement Act, and such public and nonprofit private agencies serving Hawaiian natives, and Indian organizations in urban or rural nonreservation areas, for projects pertaining to the purpose of this Act.

Programs/Training/Services

Title I provides for vocational education as well as basic education and employment opportunities. The purpose of the title specifies the need for skills, knowledge and motivation.

Title II provides for participation in government employment and training programs already established, as well as, technical assistance and training for those providing the training.

Title III provides for technical management assistance to improve managerial skills.

Title IV provides for work experience and training programs.

Title VII provides for technical assistance and training in connection with programs under this title.

Title VIII provides for technical assistance training programs that are established to eliminate poverty and establish a permanent economic and social benefit to the area.

Title XI provides financial assistance to community development corporations and cooperatives for training of minority group members and low-income whites who have been denied access to the economic and social mainstream of American life.

Administration

Originally, the Act created an Office of Economic Opportunity which was housed in the United States Office of Education, Department of Health, Education, and Welfare. Currently, the Act provides for two separate agencies which directly impact on training opportunities for Indians. The Administration for Native Americans (ANA) is administered in the Department of Human Services, and the Community Service Agency is a separate agency, which currently has an Indian Desk.

Contact Person(s)

Richard Baker, Chief (202) 254-5400
Community Services Administration
1200 19th Street, N.W., Room 468B
Washington, DC 20201

David Lester, Commissioner (101) 426-4055
Administration for Native Americans
Hubert Humphrey Building, Room 357G
200 Independence Avenue, S.W.
Washington, DC 20201

Advisory Committee

Two national advisory councils are established under this Act, a National Advisory Council on Community Services and a National Voluntary Service Advisory Council, to advise the community services director on policy and make recommendations on the operation of programs. Advisory groups are also required at the state and local or community levels. In the case of the community action agencies, they are required to have a board of directors. The Act spells out the qualifications for membership on the board.

Plans For the most part, the training aspects of any program under this Act are a part of a larger proposal. These larger proposals provide for community development, small business development, and business or farm loans. Proposals for grants, contracts, and loans are submitted to the funding agency on a competitive basis. Each plan must be submitted to the governor or the state to prevent duplication of effort.

Reporting and Monitoring Proof of fiscal accounting ability must be shown before funding will be released to any agency requesting assistance. An annual audit of each grant or contract is necessary. Each proposal is required to include an evaluation of the proposed program.

Source: The information in this section is paraphrased from Public Law 88-452, Economic Opportunity Act of 1964, United States Code Congressional and Administrative News, Vol.1, 1964, pp585-616.

CHAPTER III

ANALYSIS OF REVIEWED LEGISLATION

The analysis of the cited legislation is presented in four sections. The first section presents an overview of the legislation that was examined in chapter 2. The second section discusses critical issues related to this legislation. The third section presents a discussion of the appropriation levels and trends which seem to be apparent. The last section consists of recommendations for future legislation and administrative policy.

Analysis

The decade of the seventies produced a variety of legislation that provided social, educational, and economic opportunities specifically for Indians outside of the Bureau of Indian Affairs and Indian Health Service. However, let us examine the training opportunities available through these two government agencies.

The Bureau of Indian Affairs has two separate divisions that have responsibilities related to vocational education for Indian people. These are the Office of Indian Education and the Office of Tribal Resource Development. The Office of Indian Education is responsible for the administration of federal boarding schools, elementary and secondary, as well as Haskell Indian Junior College, The Institute of American Indian Arts, and Southwestern Indian Polytechnical Institute. The Office of Indian Education also administers appropriations for the tribally controlled elementary, secondary, and postsecondary schools. The Office of Tribal Resource Development has administrative responsibility for adult vocational programs which are not specifically a part of an institution. These programs include Indian Action Teams, Adult Vocational Training, and Direct Employment Assistance. The enabling legislation for these programs and institutions includes: The Snyder Act, Adult Vocational Training Act, Indian Self-Determination and Education Assistance Act, and the Tribally Controlled Community College Act. Because of the limited scope of this analysis, only legislation having a major direct impact on vocational education has been included.

The legislation provides for a great deal of discretion by the Bureau of Indian Affairs in the administration of these programs. The Self-Determination Act and the Tribally Controlled Community Colleges Act spell out many more rules and regulations than do the former acts. The Education Amendments of 1978

contain provisions for strengthening these educational programs by mandating more control by Indian people and by requiring consultation with them. Even with these changes, final decisions are still the responsibility of the Bureau of Indian Affairs.

The elementary and secondary programs do not include comprehensive vocational training and career development opportunities. During 1980, however, there has been an attempt to encourage boarding schools to address this situation, for example, through cooperative arrangements with public schools.

There is no specific provision for vocational education in the Tribally Controlled Community Colleges Act, although vocational education is a part of the curriculum offered by these colleges. The funding formulas for these colleges are based on full-time students equivalency and contain no providions for the additional expenses of a vocational program. Section 104 of the Self-Determination Act allows funds available to a tribal organization to be used as matching shares for other federal grant programs. These other grant programs must contribute to the purpose of the grant funded under this section of the Act. (See page 16).

The adult vocational opportunities available through the Office of Tribal Resource Development are also primarily administered through administrative policy, rather than specific requirements of the legislation. The Adult Vocational Training program provides opportunities for reservation and urban Indians to receive the training of their choice at an institution of their choice. The Direct Employment Assistance program assists Indians to obtain employment and provides financial support until the person receives a full salary. These two programs have not emphasized buiding a labor force for the reservation but have provided assistance in relocating Indians in the mainstream of American society.

The Indian action teams, in contrast to the other programs administered through the Tribal Resource Development program, are specifically for employment on or near the reservation. This program is targeted toward the needs of the local labor force on the Indian reservation.

The U.S. Department of Health and Human Services administers the Indian Health Service (IHS) programs. The Indian Health Care Improvement Act provides for increasing the number of Indian in health related careers. These careers are either at the technician level or at the professional level. The national priorities for training are determined by the branch chiefs of the IHS

who make the decisions based upon the number and types of job openings. This then determines which career choices will receive priority funding. The scholarships are administered by the National Health Service Corps. This program cannot be contracted for under the Self-Determination Act. This program includes scholarships to non Indians who are willing to make a commitment to the Indian Health Service when completing their training. It is important to point out that Indians do have preference in the competition for these scholarships. The Act also provides for a recruitment program which identifies students who are capable of completing a professional program.

The U.S. Department of Education's participation in supplying targeted educational opportunities for Indians living on reservations has been of a relatively short duration. The Indian Education Act is the only education act which is designed specifically to serve Indians and includes those Indians who do not qualify for services from the Bureau of Indian Affairs. The Indian Education Act provides for culturally related education and for assisting students to be more successful in their academic education experience. The opportunities related to vocational education are limited within the legislative provisions. This Act can have a large impact on career awareness and the development of paraprofessionals. The unique considerations of careers available on reservations could be a major emphasis of overall cultural programs. Other legislation which provides vocational training opportunities, administered by the Department of Education, targeted to federally recognized tribes, consists of set-asides. These set-asides either remain in the Department or are transferred to the Bureau of Indian Affairs upon the submission of a plan.

The Vocational Education Act of 1976 provided for a 1 percent set-aside for federally recognized Indian tribes and Indian organizations. This set-aside is a contract program which is based on needs identified by a local Indian group. These contracts are competitive. Recognizing that most Indian communities have little or no vocational education opportunities, the result of this set-aside is that a few have vocational education opportunities. The majority cannot be funded under this provision because of the small dollar amount appropriated. The original legislation called for the development of a plan similar to the state plans developed by states. It also required that the Bureau of Indian Affairs match the set-aside funds. Unfortunately, the Bureau of Indian Affairs has obtained waivers each year and has not been required to match the set-aside. In addition, the plan for addressing the vocational education needs of Indian people has not been developed. This has crippled the original intent of Congress. Only a few select tribes have received or will receive assistance under the limited funding available.

Although the Act provided a set-aside for Indians, the Act clearly stated that this set-aside did not relieve the states of their responsibility to provide vocational programs to Indians who would receive these funds. The set-aside was to be supplementary. This indicates that responsibility rests with the states to include Indian people in their annual and five-year plans. While a state may have the responsibility, the people within that state must see that the state fulfills that responsibility.*

The All Handicapped Children's Act has a provision for a set-aside to be administered through the Bureau of Indian Affairs.** These monies are available to schools with the BIA either administers or supports. As with most education within the BIA, there is a great deal of discretion as to the administration of programs and the timeliness of funding. As has already been noted, job training within the BIA education policy has not been a high priority. In the case of handicapped persons, there appear to be even fewer opportunities. The job training received by handicapped individuals may be the only opportunity they have for gaining a skill which would assist them in being economically and socially independent.

The Vocational Rehabilitation Act, which is also administered by the Department of Education, has a provision for additional funds to be appropriated for Indians. However, these funds have never been appropriated. The crucial need for vocational training on reservations and in Indian communities is magnified when speaking of handicapped adults. State administered rehabilitation programs also need to include an emphasis on the needs of Indian populations.

The major provisions for career and vocational guidance fall under legislation that does not specifically mention Indians. The state administered programs through the Vocational Education Act should make provisions through the state plans for career related activities for Indians living on reservations.

---

*Methods and procedures to assist Indian people to become included in their state plans are contained in: Carol J. Minugh and Miller Tiger. Extending the Benefits of Vocational Education to Indian Populations: Integrated Planning Package (Columbus: The National Center for Research in Vocational Education, The Ohio State University 1980) pp.19-29.

**The Department of Interior issued proposed regulations governing the provision of special education in September 1980. Reported in the "National Association of State Mental Retardation Program Directors Inc." Vol. 1, Newsletter, Nov. 1980, p.1.

The Comprehensive Employment and Training Act administered by the U.S. Department of Labor provides a variety of job training opportunities to Indians. The Office of Indian and Native American Programs provides the opportunity for tribes, groups of tribes (consortia), and authorized urban Indian centers to contract as native sponsors for administering local CETA programs. These training opportunities also provide for learning the unique skills needed when working within tribal settings. Job readiness skills as well as the ability to do a specific task within the tribal context can be addressed through CETA programs. Technical assistance is available to the native CETA programs. These assistance programs, if they are effective, recognize the administrators within the context of their community and tribe.

Issues

Two issues which are vitally important to vocational education for Indian people are addressed in this section. The first concern is the use of set-asides. The second is related to influencing legislation as it is developed and implemented.

Key legislation, which has specific set-asides for Indians, related to supplying job training opportunities are: Public Law 94-482, The Vocational Education Act of 1972; Public Law 95-524, The Comprehensive Employment and Training Act of 1978; Public Law 94-142, The Education of All Handicapped Children Act of 1975; Public Law 95-602, The Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978.

The set-asides are administered in several different ways, depending upon the authorizing legislation. For example, the vocational education set-aside is administered by the Office of Vocational and Adult Education, Division of Special Populations* within the Department of Education. This legislation further required that the Bureau of Indian Affairs match the set-aside funds and transfer these funds to the Department of Education for administration.

The Department of Labor has established the Office (formerly Division) of Indian and Native American Programs to administer the CETA related set-aside. The All Handicapped Children Act transfers the set-aside funds from the Department of Education to the Bureau of Indian Affairs, upon approval of a plan (equal to a state plan) for the use of the funds. The Rehabilitation Act, while it speaks of a set-aside, asks for an additional appropriation of up to 1 percent of the appropriations to the states. The administration of the set-aside funds has not been an issue because no funds have been appropriated.

*Formerly administered by the Division of Research and Demonstration

The designation of a percentage of the general appropriation seems to be the most effective method of assuring that the intent of the legislation will be carried out. In the case of the Vocational Education Act, the amount being set aside within the Department of Education was a part of the overall appropriation, while the matching funds from the Department of Interior (BIA) were either to be taken out of the existing budget or to be secured via an additional appropriation specified for the designated purpose. What resulted was that only the percentage designated in the general appropriation was made available to Indians. In the Vocational Rehabilitation Act, the legislation called for an appropriation over and above the general appropriation, but the additional amount was never made available. The Comprehensive Employment and Training Act and the All Handicapped Childrens Act were provided percentages of the general appropriations, which subsequently were made available to Indian people.

All of the legislation reviewed contains wording which can assist tribal governments to coordinate the vocational education programs and their economic development plans. The Indian Education Act has the potential to provide career awareness and guidance at all levels of education. This Act requires that the career activities be related to the careers available within the tribal organizations. The career guidance and counseling, which are made available through state funds, can be effective in providing information related to tribal economic development if the communication is open between the guidance and counseling personnel and the tribal development personnel. In addition, programs must be developed that will serve this end.

The remaining legislation has the potential of providing specific job training related to the economic development plan. Programs (CETA, Indian Action Teams, vocational education set-aside) provide for entry level training as well as retraining and upgrading of existing tribal staff.

The Adult Vocational Training and the Direct Employment Assistance programs can be closely aligned with economic development plans if the tribes carefully look at future employment possibilities and work with their people to prepare them for these positions.

The national as well as state and local advisory councils can play an important part in designing future legislation and ensuring that the provisions of existing legislation are carried out. Because the Indian populations are unique in their relationship to the federal government, and because Indian population centers have different education and training needs than do the surrounding communities, the training needs of Indians cannot be determined

by those unfamiliar with the economic and social dynamics of a reservation or tribal community.[10]

There have been only two Indian representatives on the National Advisory Council for Vocational Education, for an accumulation of six years representation. Representation by Indians on other advisory boards is even less. The importance of being active in the political arena in order to effect change and assure that Indian people receive the services that are needed cannot be overemphasized.

Appropriations

Table I consists of funding information for six different acts and for two programs authorized under The Snyder Act. The legislation is listed by public law number and if within the law there is a provision for a set-aside for Indians, that is listed directly under the title. If actual appropriations were not available, estimated appropriations were used.[11] This information was gathered from various sources, primarily from persons working in the agencies responsible for administering the respective programs.

In table I, only those acts or programs having the possibility of a significant portion of their overall funding going to vocational education are examined. Legislation which includes vocational training opportunities that are only supportive of the major emphasis of the act are not examined, as there is no way of determining the dollar amount spent on vocational education.

The first act listed in the table is The Snyder Act. The Direct Employment Assistance program and the Indian Action Teams are funded under the authority of this Act. These programs directly affect vocational education opportunities, and in addition, provide assistance toward employability. Most notable in table I is the dramatic reduction in funding for these two programs over the four-year period. For example, funding for Employment Assistance dropped approximately $4 million. If inflation is taken into consideration, the reduction is closer to 40 percent. Indian Action Teams have suffered a similar fate. The related reduction of $6 million over four years is even greater, when consideration is given to the inflation rate during the same period.

---

[10] Minugh, pp. 19-21.

[11] The Budget of the United States Government fiscal year 1981 U.S. Government Printing Office 1980, pp. 358-380.

APPROPRIATIONS

TABLE I

Public Law Number	Title of Legislation	Appropriation (in $ millions)				
		1978	1979	1980	1981	1982
67-85	Snyder Act of 1921					
	Direct Employment Assistance		14.2	14.0	11.9*	10.7*
	Indian Action Teams		23.3	20.6	19.2*	17.3*
84-959	Adult Vocational Training		17.6	16.7	15.6*	16.6*
94-482	Vocational Education	732.	779.	891.*	914.*	
	Set-aside for Indians	5.2	5.4	5.9	6.9	
	Bureau of Indian Affairs Matching	-0-	-0-	-0-	-0-	-0-
95-602	Vocational Rehabilitation			396.*	964.*	
	Set-aside for Indians		-0-	-0-	-0-	
94-437	Indian Health Care Improvement					
	Title I Subpart 104	2.6	2.6	2.6	2.6*	
95-525	Comprehensive Employment and Training		6200.	5716.*	7318.*	
	Set-aside for Indians (OINAP)	91.4	221.9	197.7*	177.6*	

*Indicates estimate.

The Adult Vocational Training Act, which is administered in the Tribal Resource Development Division of the Bureau of Indian Affairs, has had a somewhat slower rate of reduction. However, with inflation rates, the reduction in services available is considerable. The funding patterns for the three programs described above appears to indicate that either there are fewer Indians needing training or that the Bureau of Indian Affairs has been giving these programs lower priority. Since the unemployment rate among Indians is still extremely high, one can only assume that the latter is the reason for the reduction in funding.

The appropriations for vocational education under Public Law 94-482 have slowly increased over the past four years, though the increases have not kept pace with inflation. This means that the set-aside for Indian tribes and organizations remained relatively steady. However, the Bureau of Indian Affairs has not provided the matching funds which were required by this Act, but has chosen instead to obtain a waiver each year. This has cut in half the funding of vocational education opportunities which potentially could be available to Indian people on reservations through this legislation.

The set-aside in The Handicapped Children Act is vital in preparing Indian subpopulations to meet their economic and social needs through job preparation. It is particularly crucial that these people have adequate vocational training opportunities because of the limitations that may hinder their other educational efforts.

The provisions for technical training, which fall within the Indian Health Care Improvement Act, have not received increased funding within the last four years (1978-1981). The result is that while there are more Indians graduating from high schools who are better prepared to receive technical training in the health field, there are fewer opportunities for them to obtain this training.

The level of appropriations under the CETA legislation has risen, fallen, and risen again in the last three years. The Indian and Native American Programs Title was increased in 1979, and then continually decreased over the next two-year (80-81) period. The inflation rate causes this reduction in funding to cut further into the number of training opportunities available to Indians.

Indian preference for employment within the Indian service agencies (BIA, IHS), as well as on or near reservations, has increased the opportunities for Indians to find employment. The decrease in funding levels for the various programs will eventually affect the trained labor force available to fill these positions.

Summary of Appropriations

There are three issues that stand out in the analysis of the appropriations. First, the appropriations are being reduced both in terms of actual dollars and because of inflation. Secondly, there seems to be some hesitancy to appropriate funds set aside for Indian vocational education. Thirdly, the Bureau of Indian Affairs does not appear to consider vocational education a priority in education.

Conclusions

Special efforts to provide training opportunities for Indians should be spelled out as a percentage of the appropriations. The assumption that Indians can be served as a part of the general population is not based on experience in the administration of these types of programs. There is a definite need for targeted funding.

In the administration of appropriated funds it is of utmost importance that the administrative personnel understand the unique relationship between Indian tribes and the federal government. It is not to be expected that the same person who handles funds, which go to the states, can appropriately serve Indian communities. These interests are quite often in conflict. Typically, the administration is more familiar with the state's position and may overlook or disregard the Indian point of view, and tend to serve what seems to be right from the perspective of the larger population. The mandate for vocational education according to the Vocational Education Act of 1963 is to provide training to the people within the community where the person lives and where the job opportunities occur.

Most tribes and Indian communities have an economic development plan. This plan includes all aspects of a developing community, including retail stores, industrial complexes, businesses, social services, as well as natural resource development and preservation. The funds expended for relocation and related services could assist in the economic welfare of the Indian community. This emphasis should be encouraged and expanded via the Bureau of Indian Affairs education opportunities. This is not to say there is no need for off-reservation training opportunities for Indians. Currently there are relatively few jobs on reservations and unemployment is high. There is merit to providing training for people in their local communities so that they are well prepared to move to another community in an effort to better meet their economic and social needs. Industrial development is needed on reservations to retain skilled workers. Minority business enterprises should be encouraged and supported by the

tribes. This would provide opportunities for the Indian youth and adults to gain employment.

Recommendations

The following recommendations are a result of the study which produced this analysis. The recommendations do not always relate back to a specific law, but have been the thoughts of the author, the project advisory committee, and other educators involved in vocational education for Indian people.

The first recommendation relates specifically to Bureau of Indian Affairs-administered programs.

1. The Bureau of Indian Affairs should prepare a vocational education plan for elementary/secondary boarding schools. This plan should include, but not be limited to, career awareness, guidance and counseling, cooperative education, on-the-job training, and classroom or laboratory (shop) experiences.

2. The tribally controlled elementary/secondary schools should each prepare and submit a plan for improving their vocational education offerings.

3. When the Bureau of Indian Affairs applies its funding formula (full-time student equivalency) it should include higher levels of funding for vocational education students to cover the high costs of equipment and training.

4. Bureau of Indian Affairs' funding needs to be provided on a timely basis, preferably prior to the beginning of each school year.

5. Specific assurances should be required of the Bureau of Indian Affairs to ensure that local Indian schools, as well as the boarding schools, are providing appropriate education to handicapped Indian children in their respective communities.

6. Procedural mechanisms and safeguards should be instituted to assure that students attending colleges and universities receive their funds in a timely fashion.

The following recommendations relate to the Indian Health Manpower Programs.

7. The level of appropriations for the Indian Health Care Improvement Act, Title I, should be increased to provide opportunities for the growing Indian population who are prepared to go into health care fields.

8. Specific assurances are needed to assure that local Indian people, who use the health care facilities, participate in setting the training priorities for the national and local Indian Health Manpower Training Programs.

9. Indian Health Manpower should become a priority of the Public Health Services and provide for more participation in the field by Indians.

10. The Indian Health Care Improvement Act should provide for contracting vocational training activities under the Self-Determination Act.

11. Career awareness and recruitment of Indian students into the Indian health fields should start at the elementary level and recruitment should begin in the high school years.

The following recommendations relate to specific vocational education opportunities needed within the Indian communities.

12. The authorized set-aside for vocational rehabilitation should be appropriated.

13. A study should be done on Indian adults who are handicapped (as determined by the Vocational Rehabilitation Act) to find out where they are and what they are doing.

14. When the Vocational Rehabilitation Act is funded, technical assistance should be made available so that Indian people may be made aware of the possibilities for handicapped adults.

15. The Set-Aside Vocational Education Act (P.L.94-482) should be increased to at least 3 percent, due to the fact that only approximately thirty-two programs are funded and there are over 280 federally recognized tribes, many who need more than one program.

16. Legislation which specifically targets basic skills needed in job preparedness should be passed.

17. A set-aside, which is made available to schools administered by the Bureau of Indian Affairs as well as to other schools that have large Indian populations, should be provided for the development of career awareness materials and experiences.

The final recommendation is to the Indian community.

18. Indian vocational educators should work together in a systematic manner to influence legislation at the local, state, and federal levels.*

---

*See Appendix 4 for specific recommendations about how to accomplish this.

APPENDIX I

TARGETED POPULATION/ISSUES

TABLE II

TARGETED POPULATION/ISSUE

Federal Legislative References / Category	P.L. 67-85	Elementary/ Secondary	Indian Action Team	Employment Assistance	Post-Secondary	P.L. 92-318	Part A	Part B	Part C	P.L. 95-602	Part D
1 General, No Target Group											
2 Early School Leaver											
3 School Completer											
4 Pre-School							X				
5 Students, Elementary							X				
6 Students, Secondary							X				
7 Students, Postsecondary	X		X	X	X				X		
8 Students, Adults	X		X	X	X						
9 Sex Stereotyping											
10 Women, Girls											
11 Mid-Career Changers											
12 Aged, Elderly, etc.											
13 Bilingual											
14 Minorities											
15 Disadvantaged											
16 Exceptional, Gifted and Talented											
17 Exceptional, Disabled/Handicapped										X	X
18 Institutionalized Offenders											
19 Non-institutionalized Offenders											
20 Parolees											
21 Underemployed											
22 Unemployed Youth											
23 Unemployed Adults											
24 Employees								X			
25 Paraprofessionals											
26 Volunteers											
27 Teachers								X			
28 Staff Development/Trainers								X			
29 Educators, Pre Service/In-Service											
30 Employers											
31 Parents/Guardians											
32 Offenders											
33 Potential Youth Offenders											
34 Run-Away Youth											
35 American Indian	X		X	X	X	X	X	X	X		X
36 Indian	XX	X	XX	XX	XX	XX					
37 One-Fourth Blood	X	X	X		X						
38 Federally Recognized Tribe		X			X						
39 Bureau of Indian Affairs School		X			X						
40 Elementary		X			X						
41 Secondary		X			X						
42 Postsecondary											
43 Indian-Controlled School											
44 Elementary											
45 Secondary											
46 Postsecondary											

TABLE II (Continued)

TARGETED POPULATION/ISSUE

Category / Federal Legislative References	1 General, No Target Group	2 Early School Leaver	3 School Completer	4 Pre-School	5 Students, Elementary	6 Students, Secondary	7 Students, Postsecondary	8 Students, Adults	9 Sex Stereotyping	10 Women, Girls	11 Mid-Career Changers	12 Aged, Elderly, etc.	13 Bilingual	14 Minorities	15 Disadvantaged	16 Exceptional, Gifted and Talented	17 Exceptional, Disabled/Handicapped	18 Institutionalized Offenders	19 Non-institutionalized Offenders	20 Parolees	21 Underemployed	22 Unemployed Youth	23 Unemployed Adults	24 Employees	25 Paraprofessionals	26 Volunteers	27 Teachers	28 Staff Development/Trainers	29 Educators, Pre Service/In-Service	30 Employers	31 Parents/Guardians	32 Offenders	33 Potential Youth Offenders	34 Run-Away Youth	35 American Indian	36 Indian	37 One-Fourth Blood	38 Federally Recognized Tribe	39 Bureau of Indian Affairs School	40 Elementary	41 Secondary	42 Postsecondary	43 Indian-Controlled School	44 Elementary	45 Secondary	46 Postsecondary
P.L. 91-142																X																															
One Percent Set Aside																X																		X		X			X		X	XX				
P.L. 93-380													X																																	
One Percent Set Aside													X																					X		X	X	X	XX	XX	X	XX	X	XX	X	
P.L. 93-638																										X								X			X									
P.L. 94-437																								X										X												
P.L. 94-482																																															
Part A	X	XX	X		X	XX		XX		X		XX	X		XX		X					X	X								X															
Subpart 2																										X								X			X							X	XX	X	
Subpart 3					X		XX						X														X																			
P.L. 84-959									X																									X		XX		X								

APPENDIX II

ADVISORY COMMITTEES

In order to conform to the standard requirements of funding agencies and to serve the needs of the target population, one must understand the purposes, the levels, and the functions of the advisory committees that are mandated by the various legislative acts.

Rationale

The rationale for the establishment of advisory committees within the field of vocational education is that the curricula must continually evolve to meet changes in the occupational areas. Advisory committees assess and evaluate changes that affect the development of a skilled worker in four areas: new knowledge and technology, the state of the economy, societal demands (including traditional and cultural rewards), and recent legislation. The concept of advisory committees was developed to help vocational educators meet their ultimate goal: the placement of graduates in useful, gainful, and satisfactory employment. In order to accomplish this goal, advisory committees involve employers, laborers (supervisory as well as peer), and users of the service or product. It is important that advisory committees see their role as proactive, not as reactive.

Levels of Advisory Committees

Various pieces of legislation require that advisory committees be established at four key levels.

- National Advisory Councils are appointed by the executive branch of the federal government. These councils are responsible for reporting on the administration, operation, and effectiveness of vocational and technical education throughout the nation.

- State Advisory Council are established and funded under the various legislative acts. They function as separate state agencies under executive orders from the governor, and are responsible for evaluating the effectiveness of programs throughout the state. All states are mandated by law to have such advisory councils.

- Community Education Councils are established to promote and conduct volunteer programs and activities in public education through the cooperation of educators and representatives from business, labor, and industry. Community education councils differ from other councils in that they are organized to serve all the students and all the schools in a particular geographic area. These councils are joint efforts and are not mandated by law.

- Institutional Advisory Committees are of three kinds:

  1. General advisory committees are usually ongoing committees that oversee the development and maintenance of the entire educational program at a vocational education institution.

  2. Departmental advisory committees serve individual departments at educational institutions.

  3. Special curriculum advisory committees give advice on the content and operation of a single program or skill area. An institution may have one or more of these committees in operation at one time, depending on the size and number of skill areas in the vocational program.

Functions of Advisory Committees

Advisory committees serve three primary purposes. First, they act as liaisons between the educational institution and the public by providing the information on fund-raising, bond issues, and legislative action that is necessary to win public support for educational programs. Second, advisory committees serve as lobbyists for vocational education programs. They must be effective public relations agents. Third, and most important, they keep educators informed of changes in the pertinent technical fields and legislation.

In addition to these informational purposes, advisory committees provide the following services to vocational education institutions.

1. Program development and review:

   a. Outline technical content;

b. Share expertise in new and developing areas;

c. Advise on administrative operations;

d. Prepare occupational surveys to prepare, upgrade, and retrain community individuals; and

e. Assist the institution in establishing and revising its philosophy of vocational education.

2. Program operation:

a. Serve as and arrange for guest instructors;

b. Help develop cooperative experiences between the institution and business, industry, and labor;

c. Arrange for plant visits and other field trips;

d. Advise on materials, facilities, and financing;

e. Obtain instructional supplies and equipment;

f. Aid in maintaining current library of visual aids, magazines, and books;

g. Identify potential sites for cooperative work experiences;

h. Assist in developing educational objectives;

i. Inform institution of changes in the labor market, including interpretation of local surveys on manpower needs and anticipated employment;

j. Assist in making cost studies for specialized program/courses; and

k. Help with placement of students for work experience.

3. Instructor inservice:

a. Provide opportunities for upgrading instructor's technical skills through work experience, inservice, clinics, workshops;

b. Obtain subscriptions to industry magazines;

c. Obtain membership for instructors in industry organizations;

d. Secure funding to assist instructors in attending professional and industrial meetings, workshops, seminars; and

e. Help with work experience placements.

4. Assist in public relations:

a. Serve as speakers about cooperation among business, industry, labor, and education;

b. Provide news releases to industrial magazines, newletters to the public; and

c. Assist in evaluating the institution's public relations policy and action.

The effective use of advisory committees is crucial to the development and success of vocational education programs. These committees not only assure relevance in the program, but may well be staffed by the future employers of many of the students.[12]

[12] Catherine P. Warmbrod, Business-Industry-Labor. Inputs in Vocational Education Personnel Development (Columbus: The National Center for Research in Vocational Education, April 1978).

APPENDIX III

GRANTS

The Process of Applying for a Grant

The rationale for standardizing the process of applying for funding is to assure that all applicants will be treated fairly. The Catalog of Domestic Assistance (CFDA) lists sixteen different methods of funding, including loans, direct payments, grants,* and contracts. After a federal agency identifies a need for a program, it sends a request for proposal (RFP) to those organizations and agencies that have been identified as having interest and expertise in the field. The RFP describes the task to be accomplished, the products to be delivered by the agency that receives funding, and the time lines for the project. Usually the federal agency awards only one contract to one of the organizations responding to its RFP.

A second way in which a federal agency advertises its needs is through a program announcement. By contrast to a RFP, the program announcement allows the proposer more freedom in determining the objectives, activities, time lines, and deliverables; and the program announcement generally leads to several grants by the sponsoring agency. The "Commerce Business Daily" and the "Federal Register", both available by subscription, include comprehensive information on current requests for proposals and program announcements.

This process of soliciting proposals and securing funding serves several purposes. It allows the federal agency to target critical issues, to address national and local needs, and to implement innovative plans. It also allows the responding agency or organization to identify its own needs and to obtain specific help for a specific population.

The Planning Process

The rationale for the development of state, local, or tribal plans is to clarify the agreement with the sponsoring federal agency and to serve as a basis for administrative decisions and procedures. The respective roles of the various levels of government are generally as follows: the federal government gives

---

* "Block grants" are an important method of funding to investigate. They are usually applied for through a state, local, or tribal plan.

direction and financial support; the states formulate policies and objectives, as well as establishing rules and regulations; and the local agencies plan and operate programs. Indian tribes and organizations may, under a given circumstance, operate either as the state agency or as the local agency.

Within this general framework, the plan for the administration of vocational education programs should include the following considerations:

- designating the responsibilities of each collaborative agency
- establishing policies and procedures for funding and administering programs
- assuring the input of the community to be served*
- assuring that the targeted population will be served
- providing minimum qualifications for training personnel
- establishing procedures for appeal if dissatisfaction arises
- providing for longrange planning
- developing a plan for evaluating the program

Perhaps the most important step in the planning process is taking into consideration the unique characteristics--cultural, linguistic, physical, mental, sex, or geographical--of the people to be served in the program. Programs that avoid the mistakes of past stereotyping and that are specifically designed to serve unique populations can minimize the number of dropouts and can often bridge the gap between the expectations, the world of work, and the development of self-worth.

The Reporting Process

The rationale for the reporting process is to assure that all activities and funds are administered in the manner approved in the original proposal to the sponsoring agency or in the

---

* In order to respect the privacy of the individuals to be served by a federally funded program, the Office of Management and Budget requires that any instrument used to gather information (for testing, evaluating, determining demography, etc.) must be approved by their department (OMB).

version negotiated with a monitor from that agency. More importantly, the reporting process assures that all segments of the target population are treated fairly and that they receive their share of the benefits of the various training programs.

The continuous review of funds used, clients served, and objectives met will facilitate the early detection of programs in the administration or in the conduct of the program, and it will provide a measure of progress toward the goals and objectives of the program.

As one of the final reports, the evaluation is crucial in determining the effectiveness of the current program and the need for change. Specifically, the evaluation report will provide information for--

- gauging needs for additional technical assistance,
- identifying problems and designing changes, and
- determining the overall success of the program in terms of completed and projected changes.

APPENDIX IV

INFLUENCING LEGISLATION

A Personal Inventory

This personal inventory was developed to assist individuals in examining their activities and effectiveness in impacting upon legislation. It should also serve as a reminder of the type of activities which contribute to influencing legislation. The individual may use the inventory as a planning tool for future legislative activities.

1. Did you vote in the most recent general election?

2. Have you ever visited any of the following?

   _____a) A state legislative committee hearing?

   _____b) A state legislative session?

   _____c) A state board of education session?

   _____d) Any other state agency session?

   _____e) A congressional legislative committee hearing?

   _____f) A congressional legislative session?

   _____g) A meeting (of any kind) conducted by a federal education agency?

   _____h) A state court session?

   _____i) A federal district court session?

   _____j) A federal supreme court session?

3. List the two committees in the U.S. House of Representatives that have the greatest overall influence on vocational education legislation?

   _____

   _____

   In the U.S. Senate:

   _____

   _____

4. Can you name the committees on which your Congressman serves?

5. Have you ever contacted (by letter, telephone, or personal) your Congressman concerning pending legislation?

Do you know the address and telephone of your Congressman's:

_____Washington, D.C. office?

_____"Back Home" office?

Do you know the name of one person that works in each of these offices?

6. Have you ever made the effort to meet with your Congressman or someone on his/her staff concerning a local education issue? More than once?

7. Have you ever written a letter of appreciation regarding your Congressman's efforts in your behalf to:

   a) The Congressman?
   b) A newspaper in the home district?

Competencies Needed for Influencing Legislation

To be a vocational education change agent there are certain knowledge and skills needed. The change agent will need to understand existing state and federal legislation. It is also important to understand regulations and other public policies to strengthen and expand a professional role as a change agent. The following is a list of those skills and knowledge needed to be effective in influencing legislation. A change agent should be able to:

1. Read and analyze federal, state, and local laws, and the related regulations and policy guidelines which contain provisions affecting vocational education. This should result in clear concise statements of the implications of these provisions for practioners.

2. After these groups are identified, the change agent should provide a system/organization for obtaining comments, concensus and commitments at each state of legislative activity.

3. Develop written materials such as concept papers, draft bills, briefing sheets, letters, and mailgrams. Prepare and deliver oral presentations such as briefing sessions and testimony that are clear, concise, persuasive. These materials and presentations must be based on solid facts rather than emotions, and follow proper format for the intended audience(s).

4. Monitor and describe exactly what is happening as a result of your legislative activities at each stage of the legislative process. Describe what remains to be done to assure that goals are ment.

5. Determine the correct timing and amount of support or opposition needed to influence lawmakers or their staff. Contact and brief individuals who can provide this support or opposition, and suggest alternatives for their use.

6. Describe alternative routes for implementing your legislative activities. These activities may include incorporating parts of the proposed legislation into more than one bill. Determine areas or points which you consider negotiable, or where a compromise may be acceptable. Make sure that these alternatives contribute to long range goals for vocational education.

7. Describe the formal and informal processes to be followed in seeking recourse if laws, regulations, or policy guidelines are not implemented properly. These processes should include the individuals to be contacted, the steps to be followed in presenting cases, and the documentation that is necessary.

Legislative Network

The most effective way of influencing both federal and state legislation is to have coordinated involvement of interested, informed members at local, state, and national levels. Due to the size and complexity of the nation, a network of individuals throughout the country is needed to communicate information in several directions--to and from state capitals, to and from Washington--so that maximum communication and action can occur.

Purpose

The purpose of the Indian Legislative Network is to serve as a communication and action vehicle on legislation among local, state, and national levels. Specifically, the Network would:

1. Identify issues of concern to the states and to members that may be resolved through legislative action.

2. Allow members to tell the Network Headquarters office and the board of directors what issues are of concern to them at the local and state level.

3. Transmit timely information on legislative activities affecting Indian education, including alerting members when there is a need for them to become involved in legislative action.

4. Provide a vehicle for friends of Indian education, such as business, industry, parents, etc. to participate in influencing legislation and policy for vocational education.

5. Encourage communication with other elements of the educational community and society in general who are interested in Indian education, and whose support is vital to the success of a legislative program.

6. Influence lawmakers to respond favorably to the Indian position on legislation.

7. Monitor each lawmaker's position on bills, rationale for position, and the action undertaken to influence his or her position.

Participants

The Legislative Network consists of:

1. All members (even though not official members of the legislative committee), are called upon to work on legislation,

2. District coordinators (based on Congressional, school, or other districts),

3. State legislative committee (see blank form, which illustrates a typical state committee, at end of chapter),

4. State legislative chairpersons,

5. The headquarters office,

6. The board of directors.

Responsibilities

The responsibilities of the participants in the Network are as follows:

1. Member

   a. Keep informed of legislative issues.
   b. Forward issues and concerns through the legislative network of the headquarters office and the board.
   c. Prepare communications and forward them to the appropriate state or Congressional legislators.
   d. Forward a copy of communications to the state legislative chairperson and the headquarters office.

2. District Coordinator

   a. Receive and forward information on issues and concerns relative to vocational education.
   b. Form a working legislative committee within the congressional district.
   c. Identify key individuals for legislative activity.
   d. Generate legislative communications when called upon.

e. Maintain close liaison and relationships with Congressional and state legislators.

f. Initiate activities within the district to maintain close working relationships with Congressional and state legislators.

3. State Legislative Committee

a. Keep informed on legislative issues and activities.
b. Develop and recommend legislative positions and policy to the state vocational association.
c. Analyze positions and concerns for impact on subject matter areas of education.
d. Maintain communications to subject matter groups and organizations which will supplement the state association legislative network.
e. Communicate the interest of the various subject matter groups and education divisions to the state legislative committee and to the headquarters office.

4. State Legislative Chairperson

a. Organize and maintain a state legislative network.
b. Analyze the input from the network and the issues facing the education programs within the state, and communicate these to the headquarters office and the board of directors.
c. Receive the issues from the board and the office and communicate these through the legislative network.
d. Develop position and policy statements for the state association, board of directors.
e. Stimulate legislative communications when called upon throughout the legislative network.
f. Provide leadership for initiating activities within each Congressional district.
g. Maintain a system of legislative contacts and information appropriate to the state legislative network.
h. Maintain a file of legislative issues, accomplishments, key legislators and staff, committees and activities impacting on vocational education.
i. Develop and maintain close working relationships with state legislators and members of Congress.

5. Headquarters Office

   a. Solicit, receive and analyze legislative issues and concerns through the communications network, and forward them to the board of directors.
   b. Identify, analyze and communicate to the legislative network issues impacting on education.

Bill Tracking

To keep track of the many bills introduced during a legislative session, the lobbyist must understand the legislative process and its information flow. Tracking bills puts the knowledgeable lobbyist in the right place, at the right time, with the right information:

- Learn the complicated rules of the legislative parliamentary process, thoroughly.
- Study the available documents on particular legislative staff operations.
- Maintain an updated file of pertinent bills and important staff analysis.
- Stay alert. Recognize that "timing is essential to a successful lobbying effort. Repeatedly, the time factor for the lobbyist shrinks to minutes, even seconds, when expert knowledge of the process and its rules are imperative.

Make use of all other available tracking systems. These might include:

- Legislative on-line computer systems--many state legislators have developed bill history data books. Information on bills can then be received through terminals.
- Legislative history--cumulative legislation bill records listed in book form by sponsor, subject, and introduction order.
- Legislative hotline--a toll-free number you can call for information or material about legislative activities.